

TOWNSHIP COMMITTEE WORKSHOP MEETING – JULY 26, 2021 – 6:00 P.M.

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

ROLL CALL

PRESENT/ABSENT

| | |
|----------------------|-------|
| Keith Cafferty | _____ |
| Robert Lane, Jr. | _____ |
| Nicholas Williams | _____ |
| Tassie D. York | _____ |
| Dr. Michael Brantley | _____ |

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

Mayor Brantley 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 May 27, 2021, 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 is posted on the Township web site (www.neptunetownship.org) and the meeting is being streamed live via townhallstreams.com.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Amendments to noise ordinance.
2. Discussion – Amendments to mercantile ordinance and addition of .section specific to mobile food vendors. (PW)
3. Review Committee calendars.

Res. # 21-259 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

RESOLUTION #21-259 – 7/26/21

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:

Real Estate negotiations – Proposed vacation of a portion of Valetta Place
Contract negotiations – Township's "conduit" lease with the State for 1828 West Lake Avenue

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.

§ 4-4. SOLICITOR, CANVASSER, PEDDLER, OR HAWKER (EXCLUDES MOBILE FOOD VENDORS).

§ 4-4.1. Purpose

The purposes of this article are to (1) deter the use of peddling or soliciting to gain access to homes or other premises for criminal purposes; (2) maintain peace, comfort, quiet and privacy for residents of Neptune while balancing the same against the opportunity for peddlers and solicitors to exercise their rights of free speech; (3) discourage unethical, dishonest and illegal business practices; (4) prevent dishonest solicitation of funds; (5) protect the safety and welfare of the inhabitants of Neptune as well as peddlers and solicitors engaged in such activities within Neptune; and (6) preserve safety and order in and about the streets, sidewalks, businesses and public areas in Neptune.

§ 4-4.2. Definitions

CANVASSER

See definition of solicitor below.

COMMERCIAL

Shall mean pertaining to or engaging in commerce, or prepared, done or acting with the sole emphasis on salability or profit. The term commercial shall not include charitable speech.

INDIVIDUAL

Shall mean any natural person.

MERCHANDISE

Shall mean all goods, wares, magazines, subscriptions, periodicals, printed material, all types of orders or contracts for services, home improvements or alterations, and anything that may be sold or distributed shall be considered "merchandise" for the purpose of this article.

NONPROFIT ORGANIZATION

Shall mean (1) any organization tax exempt under § 501(c)(3) of the Internal Revenue Code; (2) any organization created under or otherwise subject to the provisions of Title 15A of the New Jersey Statutes; (3) any organization, whether or not qualified under § 501(c)(3) of the Internal Revenue Code or subject to the provisions of Title 15A of the New Jersey Statutes, whose primary purpose is to benefit the school age children of Neptune, including but not limited to schools, school clubs and organizations, Cub Scouts, Boy Scouts, Brownies, Girl Scouts and similar youth groups; (4) any organization whose primary purpose is to advocate for religious or political causes, whether or not qualified under § 501(c)(3) of the Internal Revenue Code or subject to Title 15A of the New Jersey Statutes; or (5) any department within Neptune's municipal governmental structure, including, but not limited to, the Police Department and any volunteer fire or first aid company that is located in, has a substantial membership from or serves Neptune.

PEDDLER

Shall mean any person who goes from house to house or place to place by any means of conveyance, carrying or transporting merchandise for the purpose of selling and delivering the merchandise to customers. The term peddler shall include the words, hawker and huckster, and shall also include a person who from time to time offers merchandise for sale from one or more fixed locations out of doors, when the merchandise is displayed or stored in a motor vehicle located on the property, whether the property is owned by that person or by others.

PERSON

Shall mean and include any natural person, firm, partnership, corporation, organization, club, or association or any principal, agent, employee or representative thereof.

SOLICITOR

Shall mean an individual who goes from house to house or from place to place by any means of conveyance, soliciting or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services, and whether or not he is collecting advance payments on such sales or orders. The word solicitor shall also mean any individual who goes from house to house or from place to place for the purpose of obtaining contributions or subscriptions, or who does research analyses, makes surveys or opinion polls, obtains rating data or similar information, distributes advertisements or handbills of a commercial nature or who engages in any similar work which involves a door to door or place to place activity. The word solicitor shall also include the word canvasser.

§ 4-4.3. Effect of License

Upon obtaining a license as hereinafter provided, a peddler, solicitor, canvasser or hawker may conduct licensed activities within Neptune Township only as long as they adhere to the regulations set forth in this article and carries the license upon their person or displays the license in a conspicuous place at all times during the conduct of the licensed activities.

1. Such license shall expire on the next March 30th after issuance, unless sooner suspended or revoked.
2. Any licensee who fails to renew a license by March 30th shall not be permitted to operate until said license is renewed and approved.

§ 4-4.4. Application for License

1. All applicants or licensees attempting to apply for or renew a license must complete an application form prescribed by the Mercantile Registration Office which shall include the following:
 - a. Applicant's name, permanent address, local address (if different from permanent address) and telephone number;
 - b. Name and address of the organization or person(s) on whose behalf soliciting or peddling is being made, together with telephone numbers;
 - c. A description of the nature of merchandise to be sold;
 - d. Motor vehicle registration number, make and model of any motor vehicle used by the applicant in connection with his peddling or soliciting;
 - e. Applicant's government issued photo identification, which the Mercantile Office will photocopy and attach to the application.
 - f. If the applicant is an agent, employee or representative, he shall attach to the application a letter from the person or organization for whom the applicant works or represents, authorizing the applicant to act as its agent, employee or representative and assuming responsibility for the applicant's conduct.
 - g. All applicants selling merchandise subject to sales tax shall submit a copy of a valid certificate of authority issued by the Director of the New Jersey Division of Taxation, pursuant to N.J.S.A. 54:32B-15, empowering the applicant to collect sales tax. Certificates shall not be required for the sale of property exempted from sales and use taxation pursuant to N.J.S.A. 54:32B-8.2.
2. Pay the non-refundable license fee of \$100.00 per solicitor, canvasser, peddler, or hawker
3. Submit 2- 2x2 passport sized photos;
4. The applicant shall obtain a background check by the designated vendor approved by the Neptune Township Police Department;
5. Vendors may not operate until the application has been approved by the Neptune Township Police Department and issued by the Mercantile Office;
6. Licenses are not transferable between solicitor, canvasser, peddler, or hawker;
7. Any veteran who holds a special County license issued under the laws of the State of New Jersey, shall be exempt from securing a license as provided herein for hawking and peddling, but shall be required to comply with, all other provisions of this section applicable including but not limited to section 4-4.4 C & D.

§ 4-4.5. Exempt Persons and Organizations

It shall be unlawful for any peddler or solicitor to sell, offer for sale or distribute merchandise, printed material or services within Neptune Township without first obtaining a license from the Mercantile Office by filing an application for license, paying a license fee and obtaining said license.

1. Any person, organization, society or association desiring to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization at any place or places within the Township, said persons or organizations shall be exempt from section 4-4 and will not have to file any sworn application in writing either for notification purpose or seeking a license, if said person or organization falls under the following categories:
 - a. Any charitable, religious, patriotic, political or philanthropic purpose.
 - b. Any organization or person representing said organization which qualifies for tax exemption under the Internal Revenue Service Code.
 - c. Any organization or person representing said organization that qualifies for exemption from sales tax under N.J.S.A 54:32B-9 or created under Title 15A under New Jersey Statutes.
 - d. Persons delivering goods, wares or merchandise in the regular course of business to the premise of persons ordering or entitled to receive said goods; such as but not limited to delivery of milk, eggs, bread, newspapers or other necessary and/or perishable articles of food or merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one-week.
 - e. Federal Census takers and polls or surveys taken pursuant to Federal, State, or Local law.
 - f. Veterans or volunteer fireman, first aid, individuals representing said groups holding a special license pursuant N.J.S.A. 45:24-9, and shall be obligated to carry said license or proper identification.
 - g. Halloween trick or treaters.
 - h. It shall be unlawful for any person under the age of 18 to solicit under this section unless supervised by a person at least 18 years of age or older and who will be in sight of and no more than 100 feet away from an individual who is 18 years or older.

§ 4-4.6. Approval or rejection of applications.

1. Following the filing of a complete application and payment of the license fee as set forth in section 4-4.4 to the Mercantile Registration office, the Mercantile office shall forward the application to the Chief of Police, who shall, as soon as practicable but no later than 30 days after the applicant is fingerprinted make such investigation, within the limits of the resources available to the Chief, which may include background checks, statements made in the application and the business responsibility and character

of the applicant or any employee or agent who shall engage in the licensed activity, for the protection of the public good. Where sufficient cause is shown therefor, the Chief of Police shall have such additional time as may be reasonably necessary to make the investigation.

2. If, as a result of such investigation, the character or business responsibility of the applicant or any employee or agent who shall engage in the licensed activity is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and the reasons therefor and return the application to the clerk. The Chief may disapprove an application if such a disapproval is based on one or more of the following findings with respect to the applicant:
 - a. Conviction of any crime, disorderly person's offense or petty disorderly person's offense involving deceptive business practices or fraud, or a violation of any ordinance enacted in any municipality concerning peddling, solicitation or transient merchandising.
 - b. Record of breaches of peddling, solicitation or transient merchant contracts.
 - c. Fraud, misrepresentation or false statements contained in the application for license.
 - d. In the absence of such findings, the Chief of Police shall find the applicant satisfactory and shall endorse his approval on the application and return the application to the Mercantile Office.

§ 4-4.7. Rules and Regulations.

Every person, society, association or organization to which a license is issued and is required to be issued under the terms of this Section shall be governed by the following rules and regulations:

- a. All circulars, samples or other matter shall be handed to an occupant of the property and not left on or about the same.
- b. No person subject to the provisions of this section shall canvass, solicit or distribute circulars or other matters or call from house to house except during the hours of 1:00 p.m. through 5:00 p.m. Monday through Friday. No commercial solicitation, distribution or canvassing is permitted Saturday or Sunday in the Township.
- c. No person subject to the terms of this section shall enter or attempt to enter the lands of any resident in the Township without an express invitation from the occupant of the house.
- d. No person subject to the terms of this section shall conduct themselves in such a manner as to become objectionable to or annoy an occupant of any house.
- e. Licensees are required to exhibit their certificate of license at the request of any citizen or member of Police Department.
- f. No person shall sell anything other than such commodities described in his/her application.
- g. No hawker, peddler or vendor shall have any exclusive right to any location in the public streets, nor shall they be permitted to operate in any congested area where their operation might unreasonably impede the public. A license to hawk, peddle or vend

granted under this chapter does not authorize the display or sale of merchandise from a fixed location. The display or sale is hereby prohibited.

- h. No person shall hawk, peddle or vend unless they have in their possession a valid State license, issued pursuant to Title 45, New Jersey Statutes Annotated, and his/her registration card.

§ 4-4.8. Record of Violations. [Ord. No. 1576 § 13 [9]]

The Chief of Police shall report to the Mercantile Office all convictions for violation of this section and the Mercantile Office shall maintain a record for each license issued and record the reports of violations therein.

§ 4-4.9. Causes of Revocation of License. [Ord. No. 1576 § 13 [10]]

Licenses issued under provisions of this section may be revoked by the Mercantile Office and/or the Neptune Township Police Department after any of the following causes:

- a. Fraud, misrepresentation or a material incorrect statement contained in the application for license.
- b. Fraud, misrepresentation or a material incorrect statement made in the course of carrying on their business as solicitor, canvasser or peddler.
- c. Any violation of this section.
- d. Conviction of any crime or misdemeanor.
- e. Conducting the business of peddler, canvasser or solicitor, as the case may be, in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- f. Such notice shall be mailed, postage prepaid, to the licensee at the address listed on the license application or amendment thereto.
- g. Appeals of said revocation must be submitted in writing no later than 15 days from the date of mailing of the notice of revocation. Said request will be review by the Business Administrator.
- h. Upon the final decision the licensee may request a hearing with the Business Administrator, Chief of Police and the Mercantile Registration Officer to appeal the decision.

§ 4-4.10. RECIND Sale of Fruit or Vegetables. [Ord. No. 1576 § 13 [11]]

~~All licensees who shall offer to sell, display for sale or sell or deliver fruits and vegetables and farm products from any vehicles which are wholly or in part open on any of sides thereof, shall, at all times, keep all fruits, vegetables and produce of any kind and nature completely screened and covered with satisfactory materials in order to avoid and eliminate the accumulation of flies or any other insects from alighting around or upon any and all merchandise.~~

§ 4-4.11. RECIND Sale of Seafood, Meat or Poultry. [Ord. No. 1576 § 13 [12]]

~~All licensees offering for sale, displaying for sale, selling or delivering seafood, meats, poultry or dairy products, shall transport the same solely in refrigerator portion of the vehicle at all times to the time of sale or delivery, and the refrigerated portion, during the uses thereof in accordance~~

~~herewith, shall be maintained at a properly low temperature to completely safeguard all the products from a health and sanitary standpoint to the fullest reasonable extent possible for safety and welfare of the public.~~

§ 4-4.12. Vehicles; Conditions. RECIND [Ord. No. 1576 § 13 [13]]

~~No licensee shall at anytime permit any debris, waste material, rotting produce or merchandise of any kind or any unfit produce, to remain in or upon their vehicle, unless the same is contained in a metal, leakproof container having a metal, properly fitted cover on the container.~~

~~4-4.13 § 4-4.18~~

§ 4-4.13. Conducting Business from Vehicle. RECIND [Ord. No. 1576 § 13 [14]]

~~No licensee shall canvass or solicit orders for any articles from pedestrian or vehicular traffic, other than when his/her vehicle shall be properly parked immediately adjacent to the curb of a public street in a permitted locality, and the licensee shall at no time double park when dealing with any of his/her trade, and in no event shall transact any of his/her business operations, other than on the curb side of his vehicle.~~

§ 4-4.14. Removal of Debris. RECIND [Ord. No. 1576 § 13 [15]]

~~No licensee shall at any time permit any waste materials or parts of produce or any other merchandise to remain in or upon any street, roadway, curbs or walks, and shall at all times remove any such debris that may have fallen from his vehicle, so that the same is immediately placed in the metal containers, as hereinabove provided.~~

§ 4-4.15. Merchandise in Bags or Containers. RECIND [Ord. No. 1576 § 13 [16]]

~~All sales of merchandise by any licensee shall at the time of said sale, be placed in bags or other like suitable containers, when the same shall be handed to customers of the said licensee.~~

§ 4-4.16. To Prohibit Eating from Vehicle. RECIND [Ord. No. 1576 § 13 [17]]

~~The licensee shall prohibit, as reasonably as possible, the eating of any merchandise directly from his/her vehicle.~~

§ 4-4.17. Compliance Required. RECIND [Ord. No. 1576 § 13 [18]]

~~All licensees and their respective vehicles or modes of transportation in carrying on their permitted business shall, at all times, fully comply with all terms, covenants and conditions of this section and all other applicable municipal ordinances and all other applicable State laws, regulations or provisions pertaining thereto and particularly, but not in limitation thereof, that may deal with provisions of health, safety and general welfare.~~

§ 4-4.18. Inspection of Vehicle. RECIND [Ord. No. 1576 § 13 [19]]

- a. ~~Before a licensee shall use a vehicle or mode of transportation in furtherance of his/her permitted business, said license shall submit said vehicle to the Neptune Township Health Officer for~~

~~4-4.18 § 4-4.20~~

~~inspection and approval relative to compliance with the within Ordinance and shall, whenever requested during the term of said license, submit the vehicle for reasonable reinspections for said purpose.~~

- b. ~~No vehicle or mode of transportation shall be used by any licensee unless it has been approved for use by the aforesaid Health Officer, and the written approval shall remain in and upon the vehicle at all times and shall be shown by the operation thereof to any member of the Neptune Township~~

~~Police Department, any official of the Township or any member of the public who may request to be shown the same.~~

~~§ 4-4.19. Expiration of License. [Ord. No. 1576 § 13 [20]]~~

~~All annual licenses issued under the provisions of this section shall expire at midnight of December 31 in the year when issued. Other than annual licenses shall expire at midnight on the date specified in the license.~~

§ 4-4.20. No applicability to Delivery of Goods. [Ord. No. 1576 § 13 [21]]

This chapter shall not affect any person engaged in delivering wares, goods or merchandise or other articles or things in the regular course of business, to the premises of the person ordering or entitled to receive the same.

ORDINANCE NO. 21-xx

****DRAFT****

AN ORDINANCE TO AMEND CHAPTER IV OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 4-5 ENTITLED "MOBILE FOOD VENDOR"

BE IT ORDAINED, by the Township Committee of the Township of Neptune that Chapter IV of the Code of the Township of Neptune be and is hereby amended to add Section 4-5 – "Mobile Food Vendor" as follows:

4-5. MOBILE FOOD VENDOR

4-5.1 Definition

A mobile food vendor is anyone who sells food or beverages from a vehicle such as a truck, van or pushcart, whether such food or beverages are prepared on site or prepared elsewhere and transported to the site of the sale.

4-5.2 License required; renewal; number of licenses limited; restrictions.

- A. No person shall conduct, operate or maintain a mobile food vendor establishment without first obtaining a license to do so issued by the Mercantile Registration Officer upon payment of the sum of \$300.00, per year or fraction of a year per vehicle to be operating and \$50.00 per operator. Such license shall expire on the next March 30th after issuance, unless sooner suspended or revoked. Renewals of any license shall not be issued after May 30th of the renewal year. Any licensee who fails to renew a license by March 30th shall not be permitted to operate until said license is renewed within the grace period as set forth herein.
- B. The number of licenses which may be issued to mobile food vendors shall not exceed twenty-five (25) licenses. In the event that a license is revoked or if it is not renewed after May 30th of the renewal year than any such license may be issued to an applicant for such license on a first-come-first-served basis. The Mercantile Registration Office shall maintain a waiting list for such revoked or non-renewed licenses and shall notify the person at the top of the list that such a license is available.
- C. Mobile food vendors shall affix to the vehicle or pushcart a copy of the license issued by the Mercantile Registration Office, Sanitary Health Certificate issued by the Monmouth County Health Department, the certificate of registration issued by the New Jersey Division of Taxation, and shall have displayed prominently on or adjacent to the doors of the vehicle, a placard or lettering with the name and address of the owner, lessee and/or lessor of the vehicle. Said information shall be in letters and numbers no less than three (3) inches in height in accordance with N.J.S.A. 39:4-46.
- D. Mobile food vendor licenses are not transferable between vehicles or operators.
- E. All fees must be paid at the time of application and are not refundable.

4-5.3 Application process

- A. All applicants or licensees attempting to apply for or renew a license must complete an application/reapplication form prescribed by the Mercantile Registration Office, pay the license fee prescribed, and provide proof of the following:
1. Certificate of registration issued by the N.J. Division of Taxation;
 2. 2 – 2x2 passport sized photos;
 3. Proof of ownership or rental of an approved vehicle or pushcart;
 4. Proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage for non-motorized mobile food vendor vehicles;
 5. Proof of motor vehicle insurance as per N.J.S.A. § 39:6B-1 if the mobile food vendor operates from a motor vehicle in addition to proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage;
 6. A satisfactory inspection report issued no more than thirty (30) days prior to a license being issued or renewed;
 7. The applicant shall obtain a vendor background check by the designated vendor approved by the Neptune Township Police Department;
 8. Vendors may not operate until the application has been approved by the Neptune Township Police Department and issued by the Mercantile Office.

4-5.4 Operation requirements

- A. Mobile food vendors shall provide trash and recycling receptacles and shall collect all trash and debris within twenty-five (25) feet before leaving their site. Collected trash must not be deposited in public trash receptacles.
- B. No mobile food vendors shall occupy the sidewalk i.e. park a motorized vehicle in the street and dispense food from the sidewalk or set up a pushcart on the sidewalk and dispense food in the street. Operation shall be from the street. Operation on any sidewalk shall be prohibited.
- C. New or replacement mobile food vendor trucks, vans, pushcarts or other vehicles trucks shall be inspected before operating. No changes shall be made to approve mobile food vendor trucks, vans, pushcarts or vehicles without re-inspection by the Department of Health.
- D. No mobile food vendor shall serve food or drink to a motorist or occupants of a vehicle blocking the passage of traffic.
- E. No mobile food vendors shall occupy street space blocking the passage of traffic.
- F. Mobile food vendors vehicle and pushcarts shall be self-contained; no coolers to be placed on streets or sidewalks.
- G. No mobile food vendor shall provide in-truck dining services or sidewalk tables and chairs.
- H. Grills, generators, or other items related to the mobile food vending operation shall be physically attached to the vehicle or pushcart.

- I. Mobile food vendors must have a portable water tank/sink for hand washing attached to their vehicle as per N.J.A.C. 8:24-5.3.
- J. All motorized vehicles must abide by all existing traffic and parking regulations.
- K. All vending units shall not be permitted to be in use and shall be off the streets and sidewalks of the Township during the period from 9:00 PM to 9:00 AM daily.
- L. All vending units must be on wheels and mobile.
- M. No vending unit or motor vehicle shall be left unattended for any reason on the streets or sidewalks of the Township.
- N. No vendor shall set up, maintain or permit the use of any table, crate, carton or other device to increase the selling or display capacity of his unit or motor vehicle. There shall be no stacking of items to be sold upon any sidewalk or street. All materials and/or merchandise must be located solely on the vending unit.
- O. No vendor shall use any device which produces a loud or raucous noise or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public while stopped.
- P. Any vending unit operating within the municipality shall not remain in any fixed location for more than five (5) minutes from its last sale to any patron. When operating within the Township, such mobile food vending unit shall park only in areas where automobiles are permitted to park and shall begin the sale of foodstuffs within five (5) minutes of the time it so parks and shall leave that location within five (5) minutes of its last sale to pedestrian patrons using the food service.
- Q. All vendors shall display, in clear view of all patrons, pricing for all products offered for sale.

4-5.5 Use of streets by mobile food vendors

- A. No mobile food vendors shall operate upon private property. No owner or person in control of or in possession of private property shall permit any mobile food vendors to be operated upon said property.
- B. No mobile food vendors shall operate in any area where parking of motor vehicles is prohibited, restricted or regulated. Such areas shall include, but not be limited to, sidewalks, bus stops, taxi stands, fire hydrants, parking metered areas, loading zones, areas where parking is prohibited, such as from the corner of an intersection as indicated by curb markings, areas reserved for physically handicapped motor vehicle operators, crosswalks, driveways and any other areas so restricted, prohibited or regulated for the parking of motor vehicles.

4-5.6 Violations and penalties.

- A. Any person violating the terms of this Ordinance shall be punishable as follows
 - 1. First offense - A fine of \$500.00
 - 2. Second offense – A fine of \$1,000.00 and suspension for obtaining a mercantile license for 5 years.
 - 3. Third or subsequent offense – A fine of \$1,500.00 and / or up to 90 days in jail In the event that an offense is a continuing one, then each day such offense continues shall

be deemed a separate and distinct offense and shall be punishable as such as provided herein.

- B. In addition to the penalties set forth herein, any person operating a mobile food vendor who violates any provisions of this Ordinance, the vehicle, cart or establishment which is being operated as such shall be impounded by the Neptune Township Police Department. In the event that any such vehicle is impounded, the vehicle, cart or truck may be redeemed by the person upon payment of the cost of impounding and the storage charges established by Municipal Ordinance. Said storage charge and cost of impounding shall be the same as are established for the impounding of motor vehicles.

4-5.7 License revocation or suspension

- A. The license of a person who violates any provision of this Article, may be revoked or suspended immediately upon violation. A notice shall be mailed and will contain the specific provision of this Article which has been violated and the specifications which shall constitute the violation. Licenses may be revoked or suspended for any violation of the Article or for any repeated violations thereof. Any licensee of a mobile food vendor whose license has been revoked shall not be qualified to receive a new license or have said license restored to said person.
- B. Any licensee who is charged with a violation shall have the right to be represented by an attorney and said facts shall be stated on the notice served upon him.
- C. Any licensee whose license has been revoked or suspended shall have a right to appeal such revocation or suspension to the Business Administration and a representative from the Neptune Township Police Department.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

TOWNSHIP COMMITTEE MEETING – JULY 26, 2021 – 7:00 P.M.

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

ROLL CALL

PRESENT/ABSENT

| | |
|----------------------|-------|
| Keith Cafferty | _____ |
| Robert Lane, Jr. | _____ |
| Nicholas Williams | _____ |
| Tassie D. York | _____ |
| Dr. Michael Brantley | _____ |

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 Brantley 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 May 27, 2021, 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, ordinances, and resolutions are posted on the Township web site (www.neptunetownship.org) and the meeting is being streamed live via townhallstreams.com.

APPROVAL OF MINUTES – Motion offered by _____, seconded by, _____, to approve the minutes of the June 28th regular meeting

Motion offered by _____, seconded by, _____, to approve the minutes of the July 12th special meeting. (Mayor Brantley not eligible to vote)

RESOLUTION TO EMPLOY POLICE OFFICERS

- The candidates who are recommended for employment will be introduced.
- Public comments regarding Resolution #21-260 only. The public will be permitted one visit to the microphone with a limit of five minutes.

Res. # 21-260 – Authorize employment of three police officers.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

- Oaths administered by Mayor Brantley

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

REPORT OF THE BUSINESS ADMINISTRATOR – The Business Administrator will report on capital projects and matters of general interest.

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. 21-34 - An ordinance to further amend and supplement the Land Development Ordinance of the Township of Neptune by defining and regulating cannabis class uses – Final Reading

Explanatory Statement: This ordinance amends the Land Development Ordinance to define cannabis class uses, and establish permitted classes of licenses, locations permitted, hours of operation and maximum number of permitted cannabis retail establishments.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-35 – An ordinance authorizing the leasing of certain capital equipment by the Township of Neptune, New Jersey from the Monmouth County Improvement Authority and the execution of a lease and agreement relating thereto – Final Reading

Explanatory Statement: This ordinance authorizes the capital lease of capital equipment for various departments, as listed in the appendix of the ordinance, through the Monmouth County Improvement Authority at a total amount of not to exceed \$2,010,000.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-36 – 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 Main Avenue – Final Reading

Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone in front of 97 Main Avenue.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-37 – An ordinance amending Ordinance No. 20-35 entitled “An ordinance creating and setting the salary range for new job titles and amending the salary ranges for all other existing job titles of the Township of Neptune” by creating the position of Assistant Business Administrator – Final Reading

Explanatory Statement: This ordinance creates the title of Assistant Business Administrator and establishes a salary range of a minimum of \$90,000.00 and maximum of \$160,000.00.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-38 – An ordinance to amend Chapter II, Section 2-10 of the code of the Township of Neptune Entitled "Police Department" to include police promotion policies– Final Reading

Explanatory Statement: This ordinance creates police promotion policies.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-39 – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding resident only handicapped parking zones on Central Avenue and Beach Avenue – First Reading

Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone adjacent to 40 Pitman Avenue and 16 Lake Avenue.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-40 – An Ordinance to amend Chapter II, Article II, Section 2-5 of the Code of the Township of Neptune entitled' "Business Administrator" – First Reading

Explanatory Statement: This ordinance creates the position of Assistant Business Administrator and defines terms and duties of both the Business Administrator and Assistant Business Administrator.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

The Clerk announces that the Public Hearings on Ordinances 21-39 and 21-40 will be held at the next regularly scheduled meeting on Monday, August 23, 2021.

CONSENT AGENDA

Res. #21-261 – Designate 2022 floating holiday.

Res. #21-262 – Approve the form and authorize the execution and delivery of a Letter of Representation and Continuing Disclosure Agreement in connection with the issuance and delivery of the Monmouth County Improvement Authority's Capital Equipment Pooled Lease Revenue Bonds Series 2021 and authorizing an authorized municipal representative to do all other things deemed necessary or advisable in connection with the issuance, sale and delivery of such bonds.

Res. #21-263 – Accept a FY21 Body-Worn Camera Grant Program award from the NJ Department of Law & Public Safety.

Res. #21-264 – Accept the resignation of Jonathan Cesareo as a Driver in the Department of Public Works.

Res. #21-265 – Authorize the cancellation of sewer rent (3124 West Bangs Avenue).

Res. #21-266 – Authorize the submission of a grant application to the Monmouth County Office on Aging.

Res. #21-267 – Authorize change drawers in the Code/Construction Department.

Res. #21-268 – Authorize the execution of an Interlocal Service Agreement with Neptune Township Fire District #1 to provide vehicle maintenance.

Res. #21-269 – Approve payment to Neptune Township Emergency Medical Technicians from reimbursements received from the New Jersey EMS Task Force for COVID related Task Force assignments.

Res. #21-270 – Authorize the renewal of Microsoft Exchange Government License through the State Cooperative Purchasing Program.

Res. #21-271 – Authorize the purchase of computer tablets and accessories through the State Cooperative Purchasing Program.

Res. #21-272 – Authorize termination and release of Sewer Reservation Fee Agreement with Tinton Falls Veterans Housing, LLC and Soldier On, Inc.

Res. #21-273 – Place lien on various properties.

Res. #21-274 – Authorize an amendment to the 2021 municipal budget to realize monies from the Monmouth County Office on Aging/CARES Act.

Res. #21-275 – Authorize the submission of a grant application and execution of a grant contract with the New Jersey Department of Transportation for the Improvement to Neptune Boulevard project.

Res. #21-276 – Accept the resignation of Michael Kee as a Driver in the Department of Public Works.

Res. #21-277 – Amend fee schedule for repair rates performed by the Department of Public Works.

Res. #21-278 – Authorize settlement in the matter of Melvin Johnson v. Neptune Township, Police Officer Kristopher Daly and Chief of Police James M. Hunt.

Res. #21-279 – Authorize the refund of taxes as a result of an overpayment (1423 7th Avenue).

Res. #21-280 – Employ part-time Tourism Representative for the 2021 summer season.

Res. #21-281 – Grant unpaid leave of absence.

Res. #21-282 – Grant unpaid leave of absence.

CONSENT AGENDA Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-283 – Amend Resolution #21-210 authorizing Independent Investigation of prior disciplinary actions involving allegations of misconduct in the Department of Public Works and appointing an Independent Investigator to undertake said investigation.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-284 – Authorize the payment of bills.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-285 – Reclassify employee to the position of Acting Director of Engineering and Planning.

Offered by: _____ Seconded by: _____

Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

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. 21-34

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT
THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP
OF NEPTUNE BY DEFINING AND REGULATING CANNABIS
CLASS USES

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Land Development Ordinance be and is hereby amended as follows:

SECTION 1.

Section 201 – DEFINITIONS – is hereby amended to add the following:

Cannabis - means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.). (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis Consumption Area - means, as further described in section 28 of P.L.2019, c.153 (C.24:6I-21), a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis Cultivator - means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis Delivery Service - means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that

consumer. This person or entity shall hold a Class 6 Cannabis Delivery license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis Distributor - means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis establishment - means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis manufacturer - means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license." (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis product - means a product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis resin - means the resin extracted from any part of the plant *Cannabis sativa* L., including cannabis extract and resin extracted using non-chemical processes, processed and used in accordance with P.L.2021, c.16 (C.24:6I-31 et al.). "Cannabis resin" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); hashish as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense of the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.). (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis retailer - means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis testing facility - means an independent, third-party entity meeting accreditation requirements established by the Cannabis Regulatory Commission that is licensed to analyze and certify cannabis items and medical cannabis for compliance with applicable health, safety, and potency standards. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis wholesaler - means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Commission - means the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24). (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Conditional license - means a temporary license designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license that allows the holder to lawfully act as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service as the case may be, which is issued pursuant to an abbreviated application process, after which the conditional license holder shall have a limited period of time in which to become fully licensed by satisfying all of the remaining conditions for licensure which were not required for the issuance of the conditional license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Consumption - means the act of ingesting, inhaling, or otherwise introducing cannabis items into the human body. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Delivery - means the transportation of cannabis items and related supplies to a consumer. "Delivery" also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

License - means a license issued under P.L.2021, c.16 (C.24:6I-31 et al.), including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license. The term includes a conditional license for a designated class, except when the context of the provisions of P.L.2021, c.16 (C.24:6I-31 et al.) otherwise intend to only apply to a license and not a conditional license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Licensee - means a person or entity that holds a license issued under P.L.2021, c.16 (C.24:6I-31 et al.), including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license, and includes a person or entity that holds a conditional license for a designated class, except when the context of the provisions of P.L.2021, c.16 (C.24:6I-31 et al.) otherwise intend to only apply to a person or entity that holds a license and not a conditional license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Licensee representative - means an owner, director, officer, manager, employee, agent, or other representative of a licensee, to the extent that the person acts in a representative capacity. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Manufacture - means the drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" does not include packaging or labeling. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Mature cannabis plant - means a cannabis plant that is not an immature cannabis plant. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Medical cannabis - means cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.). "Medical cannabis" does not include any cannabis or cannabis item which is cultivated, produced, processed, and consumed in accordance with P.L.2021, c.16 (C.24:6I-31 et al.). (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Microbusiness - means a person or entity licensed under P.L.2021, c.16 (C.24:6I-31 et al.) as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (1) employ no more than 10 employees; (2) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis ; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis , or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis , or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Noncommercial - means not dependent or conditioned upon the provision or receipt of financial consideration. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Premises or Licensed Premises - includes the following areas of a location licensed under P.L.2021, c.16 (C.24:6I-31 et al.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

SECTION 2.

Section 415.21 – CANNABIS CLASS USES – is hereby added as follows:

Cannabis Class uses, (other than Alternative Treatment Centers) shall be permitted in the C-1 Zoning District provided the following supplementary regulations are met:

- A Hours of Operation. Cannabis Class uses are permitted the following hours of operation:
- 1 Monday thru Saturday: 9 AM to 10 PM;
 - 2 Sunday: Closed
- B Location. The permitted location of such uses shall be in accordance with the current NJ State requirements in addition to the following:
- 1 Located within the C-1 and LI Zoning Districts;
 - 2 Has frontage on Route 66, Asbury Avenue, Neptune Boulevard, or Route 18;
 - 3 Is not located less than 1,000 feet from a school or daycare on the same side or opposite of the street.
- C Permitted Classes of Licenses (as defined by the State of NJ). The following classes or combination of are permitted:
- 1 Class 1 – Cannabis Cultivator
 - 2 Class 2 – Cannabis Manufacturer
 - 3 Class 3 – Cannabis Wholesaler
 - 4 Class 4 – Cannabis Distributor
 - 5 Class 5 – Cannabis Retailer
 - 6 Class 6 – Cannabis Delivery Service
- D Quantity. The maximum permitted number of recreational cannabis retail establishments within the Municipality is three (3).
- E Penalties. Refer to Land Development Ordinance section 1105.
- F Cannabis Consumption Areas. Cannabis Consumption Areas are prohibited.

SECTION 3.

Section 404.04 – C-1 – Planned Commercial Development, is hereby amended to add the Cannabis Class Use(s) as a Conditional Use.

SECTION 4.

Section 404.11 – LI – Light Industrial, is hereby amended to add the Cannabis Class Use(s) as a Conditional Us.

SECTION 5.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 6.

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 7.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 8.

This Ordinance shall take effect upon its passage and publication according to law.

APPROVED ON FIRST READING: June 28, 2021

APPROVED, PASSED, AND ADOPTED: July 26, 2021

Richard J. Cuttrel,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-35

AN ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF NEPTUNE, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED, by the Township Committee of the Township of Neptune, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Township of Neptune (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$2,211,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;

(b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

APPROVED ON FIRST READING:

June 28, 2021

APPROVED, PASSED, AND ADOPTED:

July 26, 2021

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

SCHEDULE A - EQUIPMENT LIST

Township of Neptune

| <u>Equipment</u> | <u>Useful Life (Years)</u> | <u>Lease Term (Years)</u> | <u>Estimated Cost</u> |
|---|--------------------------------|-------------------------------|-----------------------|
| Acquisition of Police SUVs | 5 | 5 | \$320,000 |
| Acquisition of Emergency Services Equipment: | | | |
| Light Trailer/Generator | 15 | 10 | 20,000 |
| Training Equipment | 5 | 5 | 25,000 |
| Personal Protective Equipment | 5 | 5 | 50,000 |
| Radio Equipment | 10 | 10 | 20,000 |
| Rescue Equipment/HazMat | | | |
| Metering | 5 | 5 | 50,000 |
| Automated Stretchers for Ambulances | 5 | 5 | 100,000 |
| Acquisition of Ambulance | 5 | 5 | 225,000 |
| Acquisition of Administrative Vehicles | 5 | 5 | 80,000 |
| Acquisition of Computers and Servers | 5 | 5 | 100,000 |
| Acquisition of Two (2) Garbage Trucks | 5 | 5 | 620,000 |
| Acquisition of Leaf Vacuum Trailers | 15 | 10 | 120,000 |
| Sewer Utility Project: | | | |
| Acquisition of DPW/SEWER Front End Loader | 15 | 10 | 180,000 |
| Acquisition of Pick-up Trucks w/ Plows | 5 | 5 | 100,000 |
| Total | | | \$2,010,000 |

ORDINANCE NO. 21-36

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 MAIN 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> |
|-----------------------|----------------------|---|
| Main Avenue | 1 | North side of Main Avenue beginning 86 feet east of the northeast intersection of Main Avenue and New Jersey Avenue |

SECTION 2

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

APPROVED ON FIRST READING: June 28, 2021

APPROVED, PASSED, AND ADOPTED: July 26, 2021

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-37

AN ORDINANCE AMENDING ORDINANCE NO. 20-35 ENTITLED "AN ORDINANCE CREATING AND SETTING THE SALARY RANGE FOR NEW JOB TITLES AND AMENDING THE SALARY RANGES FOR ALL OTHER EXISTING JOB TITLES OF THE TOWNSHIP OF NEPTUNE" BY CREATING THE POSITION OF ASSISTANT BUSINESS ADMINISTRATOR

BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, as follows:

SECTION 1

Ordinance No. 20-35 be and is hereby amended as follows:

A. The job title of Assistant Business Administrator is hereby created and the salary range for said job title is established in Section 2 below.

B. The job description for said job title is on file in the Human Resources Department.

SECTION 2

The salary range for Assistant Business Administrator is hereby established as follows:

| <u>TITLE</u> | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|----------------------------------|----------------|----------------|
| Assistant Business Administrator | \$90,000.00 | \$160,000.00 |

SECTION 3

This ordinance shall be effective upon publication in accordance with law.

APPROVED ON FIRST READING: June 28, 2021

APPROVED, PASSED, AND ADOPTED: July 26, 2021

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

NEPTUNE TOWNSHIP, MONMOUTH COUNTY

ORDINANCE NO. 21-38

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE AMENDING CHAPTER II, SECTION 2-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "POLICE DEPARTMENT" TO INCLUDE POLICE PROMOTION POLICIES

WHEREAS, The Township seeks to ensure that all Police Officers eligible for promotion are provided with fair notice and equal access to the promotional process; and

WHEREAS, the Police Committee has reviewed the Police Promotion Policy and, after meeting and conferring with the Unions representing the Township's Police Officers, has recommended that the Township Committee adopt the Promotion Policy set forth in this Ordinance; and

WHEREAS, it is in the public interest to identify the most qualified members of the police department for promotion to leadership positions within the department and to set forth the components of the promotional process that will be utilized by the Police Department, The Neptune Township Police Committee and Neptune Township Committee in carrying out the promotion process.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey as follows:

- 1.** Chapter II, Article II, Section 2-10, of the Code of the Township of Neptune, entitled, "Police Department," "Department Established," is hereby amended as follows:

§ 2-10.10. Promotion of Police Officers

The Township intends to provide all eligible candidates for promotion with fair notice and equal access to the promotional process. Additionally, it strives to identify the most qualified members of the police department for promotion to leadership positions within the department and sets forth the components of the promotional process that will be utilized by the Police Department, The Neptune Township Police Committee and Neptune Township Committee in carrying out the process. In situations where the Chief of Police position is vacant, the Deputy Chief shall assume all roles herein that are assigned to the Chief of Police. All promotions require the final authorization, approval, and concurrence of the Police Committee as the appropriate authority and the Governing Body of the Township of Neptune by way of Resolution with is approved at a public meeting.

PROCEDURE

I Eligibility and Process

General Considerations: Existence of an Associate's Degree and honorable discharge from the United States Military Service; or a Bachelor's Degree will be considerations for points credits in evaluating eligibility, but not be a minimal requirement or dispositive of eligibility of the candidate with other credits, including experience and prior service in the Neptune Township Police Department and/or other law enforcement agencies.

A. Deputy Chief

1. It is recognized that the position of Deputy Chief is an appointment made based on the review and recommendation of the Police Committee and the Chief of Police, and approval by Resolution of the Governing Body of the Township of Neptune, after consultation by the Police Committee with the Chief of Police.
2. At a minimum, applicants for the position of Deputy Chief, shall i) have at least fourteen (14) years of experience in law enforcement; or ii) possess an Associate's Degree from an accredited college/university and be honorably discharged from the active military service in a branch of the United States Military; or iii) be in possession of a Bachelor's Degree.
3. The process for promotion to the position of Deputy Chief will consist of an oral interview conducted by the Chief of Police and the Neptune Township Police Committee. The Chief and the Police Committee members conducting the interview will have access to the candidate's resume; the candidate's experience report; personnel file as permitted under the New Jersey Attorney Guidelines, consisting of past evaluations, career experience, accommodations, disciplinary notices and sustained abuse of sick time (if any). While a candidate's disciplinary history is considered under the record review section of this policy, Internal Affairs files are not considered part of the personnel file and shall not be subject to review as part of the promotion process. The candidate's experience, seniority, accomplishments, time and service with regard to the Neptune Township Police department or other law enforcement agencies, education and honorable military service will also be taken into consideration. Applicants will submit a letter of intent, resume and complete a candidate experience report prior to the deadline established by the Police Committee.
 - a. Each candidate shall prepare and provide a typed personal profile of himself/herself. This profile shall include, at a minimum, the candidate's career objective, educational achievements (including but not limited to academic, law enforcement-related, management, instructor certification and military experience), past and current responsibilities with the Police Department, commendations/letters, any and all disciplinary actions taken against the candidate (including the results of each action), any volunteer work performed and record of sick days used in the past five years. The candidate may include any additional information at his or her choosing. Each candidate is responsible for obtaining and ensuring the accuracy of all required information included in this profile. A candidate may be rejected for a deficiency in their personal profile. This report is to be completed by the candidate and is to be submitted to the Police Committee, after it has been reviewed and its accuracy is confirmed by the Police Chief, with their resume and letter of intent. This report is an opportunity for the candidate to identify those specific career experiences that the candidate believes qualifies him/her to serve as Deputy Chief. Copies of all submissions will be provided to the Chief of Police and placed in the department's promotion file.

4. Applicants for the position of Deputy Chief must have held the rank of Captain for a minimum of two (2) years, or have experience comparable to the same, and shall have a minimum of five (5) years of experience in a police supervisory capacity, supplemented by the completion of approved course work in police administration, police science, or related fields.
5. In accordance with N.J.S.A. 40A: 14-129, due consideration shall be given to the length, merit of service, and seniority in service to any candidate for promotion to Deputy Chief. Due consideration shall also be given to the recommendation of the Police Committee and consideration of the recommendation of the Chief of Police, which shall be based on the aforementioned factors and a review of the performance of the candidates.
6. The Chief of Police shall provide the Police Committee with his or her analysis of the strengths and weakness of each candidate and shall rank them in accordance with his or her recommendation for promotion and the Police Committee shall forward the Chief of Police's recommendations to the Township Committee.
7. This process shall take place in a private closed-door session.

B. Captain

1. Applicants for the position of Captain must have held the rank of Lieutenant for at least two (2) years prior to the notice of posting for the position of Captain, supplemented by the completion of approved course work in police administration, police science, or related fields. For employees hired after March 15, 2021, applicants for the position of Captain shall possess at a minimum a Bachelor's Degree from an accredited college or university or possess an Associate's Degree and be honorably discharged from active duty military service in any branch of the U.S. Military. Applicants will submit a letter of intent, resume and complete a candidate experience report prior to the deadline established by the Township and affected majority representative(s).
 - a. Candidate Experience Report – Self Assessment
 - i. Each candidate shall prepare and provide a typed Personal Profile of himself/herself. This profile shall include, at a minimum, the candidate's career objective, educational achievements (including but not limited to academic, law enforcement-related, management, instructor certification and military experience), past and current responsibilities with the Police Department, commendations/letters, any and all disciplinary actions taken against the candidate (including the results of each action), any volunteer work performed and record of sick days used in the past five years. The candidate may include any additional information at his or her choosing. Each candidate is responsible for obtaining and ensuring the accuracy of all required information included in this profile. A candidate may be rejected for a deficiency in their Personal Profile. This report is to be completed by the candidate and is to be submitted with their resume and letter of intent. This report is an opportunity for the

candidate to identify those specific career experiences that the candidate believes qualifies him/her to serve as Captain.

2. The examination for the position of Captain will consist of an oral interview conducted by a review board consisting of the Chief of Police, Deputy Chief of Police and Captain(s). The review board will have access to the candidate's resume, candidate experience report and personnel file, consisting of past evaluations, career experience, and commendations and disciplinary notices and sustained abuse of sick time. While a candidate's disciplinary history is considered under the record review section of this policy, Internal Affairs files are not considered part of the personnel file and shall not be subject to review as part of the promotion process. All candidates will be evaluated on their answers to questions formulated by the review board taking the candidate's experience, seniority, accomplishments, education and honorable military service into account.

3. In accordance with N.J.S.A. 40A: 14-129, due consideration shall be given to the length and merit of service and to seniority in service to any candidate for promotion to Captain. Due consideration shall also be given to the recommendation of the Chief of Police, which shall be based on the aforementioned factors and a review of the performance of the candidates.

4. This process shall take place in a private closed-door session.

5. All candidates and supervisory personnel participating in the oral interviews will be required to sign a non-disclosure agreement. (Appendix #1 and Appendix #2).

6. The examination process for the position of Captain will follow the same general format as for Lieutenants and will be scored with the following percentages:

| | |
|---|------|
| •Oral Interview with Department Superiors | 25% |
| •Command Staff Recommendation (25%) Record Review (25%) | 50% |
| •Chief Recommendation | 25% |
| Final Grade | 100% |

C. Lieutenant

1. Applicants for the position of Lieutenant must have held the rank of Sergeant for at least two (2) years prior to the notice of posting for the position of Lieutenant. For employees hired after March 15, 2021, applicants for the position of Lieutenant shall possess at a minimum a Bachelor's Degree from an accredited college/university or possess an Associate's Degree and be honorably discharged from active duty military service in any branch of the U.S. Military. Applicants will submit a letter of intent, resume and complete a candidate experience report prior to the deadline established by the Township and affected representative(s).

a. Candidate Experience Report – Self Assessment

i. Each candidate shall prepare and provide a typed Personal Profile of himself/herself. This profile shall include, at a minimum, the candidate's career objective, educational achievements (including but not limited to academic, law enforcement-related, management, instructor certification and military experience), past and current responsibilities with the Police Department, commendations/letters, any and all disciplinary actions taken against the candidate (including the results of each action), any volunteer work performed and record of sick days used in the past five years. The candidate may include any additional information at his or her choosing. Each candidate is responsible for obtaining and ensuring the accuracy of all required information included in this profile. A candidate may be rejected for a deficiency in their Personal Profile. This report is to be completed by the candidate and is to be submitted with their resume and letter of intent. This report is an opportunity for the candidate to identify those specific career experiences that the candidate believes qualify him/her to serve as Lieutenant.

ii. A copy of this report will be distributed to each commander participating in the Commander Recommendation phase. By providing the commanders with each candidate's experience report, this will assist in making sure that each participating commander has a well-rounded understanding of the experiences and qualifications that each candidate offers.

iii. Commanders shall be the rank of Captain and above.

2. The examination process for the position of Lieutenant will consist of (3) three phases, which will be scored with the following percentages:

| | |
|---|-------------|
| •Oral Interview with Department Superiors | 25% |
| •Command Staff Recommendation (25%) Record Review (25%) | 50% |
| •Chief Recommendation | 25% |
| <u>Final Grade</u> | <u>100%</u> |

a. Phase #1: Oral Interview with Department Superiors

i. An oral interview board consisting of current Department Superior Officers that are of the rank of Lieutenant and above will administer this portion of the examination. These Superior Officers will be selected by the Chief of Police. They will utilize a uniform set of questions and grade the candidates on a standardized form. The criteria candidates will be tested on include, but are not limited to, the following:

- a. Constitutional, State, and Municipal Law;
- b. Department Policy, Procedure and SOP's;

- c. Attorney General Guidelines;
 - d. Monmouth County Policies;
 - e. Rank specific questions;
 - f. Community based questions.
- b. Phase #2: Commander Recommendation/Record Review
- i. Commander Recommendation: Existing agency command staff members of the rank of Captain and above. These members of the command staff will make their appropriate recommendations for Lieutenant promotions as follows:
 - ii. The Chief of Police and Deputy Chief of Police will facilitate this step.
 - iii. Each participating command staff member will be provided with the candidates resume, candidate experience report and personnel file, consisting of past evaluations, career experience, commendations, disciplinary notices and sustained abuse of sick time will be included for command staff review for this phase of examination. While a candidate's disciplinary history is considered under the record review section of this policy, Internal Affairs files are not considered part of the personnel file and shall not be subject to review as part of the promotion process.
 - iv. This process shall take place in a private closed-door session.
 - v. This step is designed to allow existing command staff members to submit their individual recommendation into the promotional process.
 - vi. The Chief of Police and Deputy Chief of Police will begin a roundtable discussion about each candidate to include a review of the subject's Personal Profile. After a roundtable discussion has taken place for each candidate, the Deputy Chief of Police and other participating members of the command staff will complete an evaluation with a numerical grade for each candidate taking the candidate's experience, seniority, accomplishments, education and honorable military service into account.
 - vii. Each commander shall provide a grade for each candidate utilizing a standardized form.
 - viii. Upon completing each evaluation/grading, the commander shall immediately seal their written evaluation which will be submitted to the Chief of Police for scoring.

ix. Confidentiality and Scoring: All commanders participating in the commander recommendation phase are to complete their evaluations and grading independently. Although roundtable discussions are appropriate at the start, commanders are forbidden from discussing their scores with other commanders during this session and/or until the completion of the entire promotional process.

x. Upon completing each evaluation/grading, the Chief of Police shall immediately tally all of the scores submitted from the staff.

a. Scoring Formula

1. Candidates will be graded on a scale of 60 – 100 by increments of 5. The scores are as follows: 60, 65, 70, 75, 80, 85, 90, 95 and 100.

c. Phase #3: Chief of Police Recommendation

i. The Chief of Police shall evaluate the candidate's qualifications including a review of any and all files pertaining to the candidate.

3. In accordance with N.J.S.A. 40A: 14-129, due consideration shall be given to the length and merit of service and to seniority in service to any candidate for promotion to Lieutenant. Due consideration shall also be given to the recommendation of the Chief of Police, which shall be based on the aforementioned factors and a review of the performance of the candidates.

4. All candidates and supervisory personnel participating in the oral interviews will be required to sign a non-disclosure agreement. (Appendix #1 and Appendix #2).

D. Sergeant

1. Applicants for the position of Sergeant must have held the rank of Police Officer for at least eight (8) years prior to the notice of posting for the position of Sergeant. Applicants for the position of Sergeant who have an Associate's Degree, honorable discharge from the United States Military Service and/or a Bachelor's degree or above shall be awarded point credits in evaluating eligibility for promotion. Applicants will submit a letter of intent, resume and complete a candidate experience report prior to the deadline established by the Township and affected majority representative(s).

a. Candidate Experience Report – Self Assessment

i. Each candidate shall prepare and provide a typed Personal Profile of himself/herself. This profile shall include, at a minimum, the candidate's career objective, educational achievements (including but not limited to academic, law enforcement-related, management, instructor certification and military experience), past and current responsibilities with the

Police Department, commendations/letters, any and all disciplinary actions taken against the candidate (including the results of each action), any volunteer work performed and record of sick days used in the past five years. The candidate may include any additional information at his or her choosing. Each candidate is responsible for obtaining and ensuring the accuracy of all required information included in this profile. A candidate may be rejected for a deficiency in their Personal Profile. This report is to be completed by the candidate and is to be submitted with their resume and letter of intent. This report is an opportunity for the candidate to identify those specific career experiences that the candidate believes qualifies him/her to serve as Sergeant.

- ii. A copy of this report will be distributed to each commander participating in the Commander Recommendation phase. By providing the commanders with each candidate's experience report, this will assist in making sure that each participating supervisor has a well-rounded understanding of the experiences and qualifications that each candidate offers.

2. The examination process for the position of Sergeant will consist of (3) three phases, which will be scored with the following percentages:

| | |
|---|------------|
| • <u>Written Examination</u> | <u>25%</u> |
| • <u>Oral Interview with Department Supervisors</u> | <u>25%</u> |
| • <u>Commander Recommendation (25%) Record Review (25%)</u> | <u>50%</u> |
| Final Grade | 100% |

3. Phase #1: Written Examination

- a. The written examination will consist of a series of multiple-choice type questions. The questions will be based on basic police practice and may include police and investigative procedure, supervisory and administrative principles, report writing and general legal aspects of police work.
- b. The Township shall utilize a valid and reliable testing company to supply, administer and score the written exam.
- c. Any and all costs associated with the written examination except for the written examination itself shall be the responsibility of the candidate.
- d. The Chief of Police shall receive authorization to conduct a written test. Candidates will be provided with a syllabus of possible testing resources in order to prepare for the written examination.
- e. Eligible candidates will be allowed a minimum of 60 days for preparation period, prior to the first phase of the process.
- f. Eligible candidates will be notified by the Chief of Police or Deputy Chief of Police as to the date and location of the written test.

- g. Eligible candidates who are scheduled to work during the written examination will be granted time off at their own expense to take the examination.
- h. Any candidate who does not achieve a minimum score of 70% is excluded from consideration for promotion.
- i. In the event there are fewer than five candidates with a minimum written examination score of 70%, then the five highest-scoring candidates shall proceed to the next phase and continue with the process regardless of their scores. If more than one candidate achieves an identical fifth highest score, then each shall be permitted to continue in the process.

Grade Points

| | |
|-----------|----|
| 0 to 69 | 0 |
| 70 to 75 | 15 |
| 76 to 80 | 17 |
| 81 to 85 | 19 |
| 86 to 90 | 21 |
| 91 to 95 | 23 |
| 96 to 100 | 25 |

4. Phase #2: Oral Interview with Department Commanders/Supervisors

- a. An Oral Interview board consisting of current department Superior Officers will administer this portion of the examination consisting of the rank of Sergeant and Lieutenant (three most senior Sergeants and Lieutenants in rank available at the scheduled time of the oral interview set forth by the Chief of Police. If two Sergeants or Lieutenants have the same time in rank the Sergeant or Lieutenant with the most service in Neptune Township shall be deemed most senior), which will be selected by the Chief of Police and Deputy Chief of Police. They will utilize a uniform set of questions which will be reviewed and approved by the Chief of Police. They will then grade the candidates on a standardized form. The criteria candidates will be tested on include, but are not limited to the following:
 - i. Constitutional, State, and Municipal Law;
 - ii. Department Policy, Procedure, and SOP's;
 - iii. Attorney General Guidelines;
 - iv. Monmouth County Policies;
 - v. Rank specific questions;
 - vi. Community based Questions.

- b. All candidates and supervisory personnel participating in the oral interviews will be required to sign a non-disclosure agreement. (Appendix #1 and Appendix #2)

5. Phase #3: Commander Recommendation/Record Review

- a. Command Recommendation: Existing agency command staff members of the rank of Captain and above will participate in this process to help identify the future leaders of this department. These commanders will make their appropriate recommendations for Sergeant promotions as follows:
 - i. The Chief of Police and Deputy Chief of Police will facilitate this step and will be active participants in the grading of candidates.
 - ii. Each participating command staff member will be provided with the candidates resume, candidate experience report and personnel file, consisting of past evaluations, career experience, commendations, disciplinary notices and sustained abuse of sick time will be included for command staff review for this phase of examination. While a candidate's disciplinary history is considered under the record review section of this policy, Internal Affairs files are not considered part of the personnel file and shall not be subject to review as part of the promotion process.
 - iii. This process shall take place in a private closed-door session.
 - iv. This step is designed to allow existing staff members to submit their individual recommendation into the promotional process.
 - v. The Chief of Police, Deputy Chief of Police will begin a roundtable discussion about each candidate to include a review of the subjects Personal Profile. After a roundtable discussion has taken place for each candidate, the Chief of Police and Deputy Chief of Police and other participating members of the staff will complete an evaluation with numerical grade for each candidate taking the candidate's experience, seniority, accomplishments, education and honorable military service into account.
 - vi. Each commander shall provide a grade for each candidate utilizing a standardized form.
 - vii. Upon completing each grading, the staff member shall immediately seal their written evaluation which will be submitted to the Chief of Police for scoring.

viii. Confidentiality and Scoring: All staff members participating in the supervisory and command recommendation phase are to complete their evaluations and grades independently. Although roundtable discussions are appropriate at the start, staff members are forbidden from discussing their scores with other staff members during this session and/or until the completion of the entire promotional process.

ix. Upon completing each evaluation/grading, the Chief of Police will tally all of the scores submitted from the staff.

a. Scoring Formula

1. Candidates will be graded on a scale of 60 – 100 by increments of 5. The scores are as follows: 60, 65, 70, 75, 80, 85, 90, 95 and 100.

II. Record Review

A. For every rank set forth in this policy, a Record Review will be conducted by the Police Chief and Deputy Chief of Police. A maximum of (25) twenty five points will be awarded based on the following criteria:

1. Commendations: candidates shall receive one point for each commendation up to maximum of five points. Commendations shall include, but not limited to, all of the following: official commendations issued by the Chief of Police for actions taken in the performance of their duties, formal letters of commendation from any law enforcement agency or governmental entity; awards received for actions taken as a law enforcement officer; academic awards; letters from the public acknowledging the appreciation of actions taken as a law enforcement officer; any and all documentation, whether written or some other form of communication, acknowledging good work as a law enforcement officer. This definition is not meant to be limiting in any way and should be construed to include positive references to an officer's career in whatever form they may be. The Chief of Police and Deputy Chief of Police will validate all commendations to determine if they qualify for points.

2. Disciplinary Actions: The cumulative sustained disciplinary occurrences for any discipline issued will be used for this section. Candidate only receives the point(s) associated with the most severe penalty and not the point(s) for each separate penalty. Discipline outside of the applicable time period as set forth below will not be considered and will not count against the officer.

Candidates for promotion: Oral reprimands shall only count as disciplinary occurrences for one year following the oral reprimand. Written reprimands shall only count as disciplinary occurrences for three years following the written reprimand. A suspension of two days or less shall only count as a disciplinary occurrence for three years following the suspension. A suspension of three to ten days shall only count as a disciplinary occurrence for five years following the suspension. Any suspension of ten

days or more will be counted regardless of when the suspension was incurred.

A maximum of seven points shall be designated as follows:

- No Discipline: seven points
- Oral Reprimand, one through three: six points
- Oral Reprimand, more than three: five points
- Written Reprimand, one through three: five points
- Written Reprimand, more than three: four points
- Suspension of two days or less: six points
- Suspension of three to ten days: four points
- Suspension of ten days or more: two points

3. Education: Candidate only receives the point(s) associated with the highest educational degree from an accredited college/university attained and not the point(s) for each separate education degree up to maximum of five points.

- Associate's Degree or 60 credits in which at least 40 credits shall be core curriculum courses – two points
- Bachelor's Degree – four points
- Master's Degree – five points

4. Military: Honorable discharge from active duty of any branch of the U.S. Military receives two points.

a. Seniority: Candidate shall receive seniority points for each fully completed year of service as a police officer in Neptune Township as set forth in the chart below. Those candidates who have served as a police officer in New Jersey in good standing, prior to their appointment in Neptune Township, will be credited ½ year for every year of service in the previous agency to be counted towards seniority.

Years of Service Completed Points

| | |
|----|------|
| 8 | .50 |
| 9 | .75 |
| 10 | 1.0 |
| 11 | 1.25 |
| 12 | 1.50 |
| 13 | 1.75 |
| 14 | 2.0 |
| 15 | 2.25 |
| 16 | 2.5 |
| 17 | 2.75 |
| 18 | 3.0 |
| 19 | 3.25 |
| 20 | 3.5 |

| | |
|----|------|
| 21 | 3.75 |
| 22 | 4.0 |
| 23 | 4.25 |
| 24 | 4.5 |
| 25 | 4.75 |
| 26 | 5.0 |
| 27 | 5.25 |
| 28 | 5.50 |
| 29 | 5.75 |
| 30 | 6.0 |

III. Scoring Matrix – Sergeant

1. Tabulation for the position of Sergeant will be as follows:
 - PHASE #1 - Written examination is 25%
 - PHASE #2 - Oral Interview with Department Supervisors is 25%
 - PHASE #3 - Commander Recommendation is 25%
 - Record Review is 25%
2. Test point conversion is as follows:

Grade Points

| | |
|-----------|----|
| 0 to 69 | 0 |
| 70 to 75 | 15 |
| 76 to 80 | 17 |
| 81 to 85 | 19 |
| 86 to 90 | 21 |
| 91 to 95 | 23 |
| 96 to 100 | 25 |

Example:

| | |
|---|--------------|
| PHASE#1 Test score is 75, which converts to: | 15.00 |
| PHASE#2 Oral Interview, all standardized grading forms are added up and the average is your score: 80, 85, 75, 100, 90, 70 = $500/6 = 83.33 \times .25 = 20.83$ | 20.83 |
| PHASE#3 Commander Recommendation, all standardized grading forms are added up and the average is your score: 90, 90, 100, 100, 100 = $480/5 = 96.00 \times .25 = 24$ | 24 |
| RECORD REVIEW | 19.00 |
| TOTAL | 78.83 |

IV. Preference to Residents

- A. If a situation arises where a resident of Neptune and a non-resident achieve the same final average after all scoring is complete, a resident shall be appointed over the non-resident. The preference granted by this section shall in no way diminish, reduce, or affect the preferences granted to veterans pursuant to any other provision of law.

V. Security of Promotional Materials

- A. The Chief of Police shall be responsible for the security of promotional materials. All promotional materials will remain in a secured promotional file.

VI. Posting of Results

- A. At the end of the scoring process, all candidates shall be provided with their score for each Phase of the testing process and their total score.
- B. The PBA President shall be provided with the scores of all written examinations taken for the rank of Sergeant. The scores provided to the PBA President shall not contain names, badge numbers or any other identifier.
- C. The FOP President shall be provided with the scores of all candidates for promotion. The scores provided to the FOP President shall not contain names, badge numbers or any other identifier.
- D. Promotions shall not take effect until 10 days after the posting of results and, if an appeal is filed as set forth below, may be delayed until the appeal has been resolved.

VII. Appeals of Process

- A. Within 10 days of the posting of the promotions for any rank, a candidate may file a written letter of appeal. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Police Committee and the Chief of Police through the appropriate chain of command. The Police Committee will assess the request and, with advice from and due deference to the Chief of Police, make a determination of how the request will be addressed on a case-by-case basis. Such requests may address the following areas of the promotional process:
 - 1. Review and re-tabulation of the scored elements of the selection process.
 - 2. Review any evaluation or internal document that was used in the selection process related to the appellant. Any restrictions on access to internal documents pursuant to the Attorney General Guidelines shall be respected and review of those documents shall be conducted by authorized personnel only who shall report to and advise the Police Committee in making their evaluation.
 - 3. If the appeal impacts upon the results of the promotion(s) as determined by the Police Committee, the candidate may be permitted to be re-evaluated.
- B. Any candidate for promotion, who believes they may have a conflict with a supervisor conducting a review of the candidate in the promotional process, may make a request, in writing to the Chief of Police and the Police Committee, detailing their perceived

conflict. The Police Committee, with advice from and due deference to the Chief of Police shall evaluate the request and render a decision if the evaluator is to be replaced or not.

- C. Within seven (7) days of receipt of an appeal, the Chief of Police will advise the candidate of the steps that are being taken to address the appeal and when the appeal is expected to be concluded.

VIII. Eligibility Lists

- A. An eligibility list for promotion to Sergeant will remain in effect for a period of 24 months, and for all other promotions for a period of 12 months from the date of the posting of final scores by the Chief of Police, which may be extended by the Township.
- B. All promotions shall be contingent upon successful completion of a thorough psychological examination, which consists of a battery of written tests along with a comprehensive psychological interview. The psychological tests measure cognitive ability, personality, psychopathology, supervisory capacity, and competent performance. Candidates also complete a writing sample dealing with issues pertinent to the rank being sought. Candidates also complete a biographical summary, which collects an array of background and social history data.
- C. After the expiration of the eligibility list, candidates will be required to reapply for any subsequent promotional process. Candidates that have taken the written examination within the last three (3) years may choose to use the prior score or may retake the exam. If the candidate retakes the exam, the higher of the scores will be used in evaluating the candidate for promotion. Examinations taken prior to the date this policy becomes effective may be used for current and future promotions provided that they were taken within three (3) years of the promotional process.
- D. The Chief of Police shall rank all eligible candidates for promotion in descending order based upon his/her evaluation/score.

ORAL BOARD PANEL MEMBER AGREEMENT REGARDING CONFIDENTIALITY

I, _____, hereby acknowledge that I have been selected and assigned by the Neptune Township Police Department as a member of the oral board interview panel. I will be assisting in conducting interviews for the position of _____. As a panel member, I am aware of the confidential nature of my work and therefore expressly acknowledge the following:

1. I will have access to confidential information or material relating to the oral board examination process.
2. I will not discuss this material or process with any person going before the panel or any third party unless authorized by the Chief of Police.
3. If an applicant attempts to contact me regarding any aspect of the process prior to its completion, I will immediately contact the Chief of Police.
4. If any third-party attempts to contact me about the oral board contents or process, I will immediately contact the Chief of Police. This notification to the Chief of Police will occur regardless if I believe the third party is attempting to obtain information to benefit a candidate.
5. I can be objective during the interview and will keep personal feelings and/or opinions out of the process.
6. I will only judge the candidates on their knowledge, skills, abilities and promotional potential.
7. If at any point during the process I believe there is a conflict of interest, I will immediately report it to the Chief of Police.
8. If I violate any of these terms, I may be subject to discipline which could lead to termination of my employment with the Neptune Township Police Department.

Print Name: _____

Signature: _____ Date : _____

Appendix #1

CANDIDATE AGREEMENT OF CONFIDENTIALITY AND NON-DISCLOSURE

I, _____, hereby acknowledge that I am a candidate for the position of _____ and will be taking the oral board examination. I will be asked a series of questions regarding my knowledge, skills and abilities pertaining to this position. In addition to testing my knowledge, these questions are designed to assess my composure, maturity, interpersonal skills and potential for promotion. I am aware of the confidential nature of this interview and the importance of keeping the information confidential, so the process is not compromised.

Therefore, I expressly acknowledge the following:

1. I will not discuss or disclose the process or contents of the questions, including my answers, with any candidate until all of the interviews are completed.
2. I will not discuss or disclose the process or contents of the questions, including my answers, with any third party until all of the interviews are completed.
3. I will not reveal what was not asked by the panel with any candidate or third party until all of the interviews are completed.
4. If any candidate or third-party attempts to question me regarding the process or contents of the questions, I must immediately report this to the Chief of Police.
5. If any person does question me regarding the process or contents of the questions, I must advise them I am not permitted to discuss it until all candidates have completed the interview.
6. I will not electronically record any audio or video this process openly or in a clandestine manner.
7. On the day of my interview, I will be sequestered and will not be permitted to leave the building until authorized by a command officer.
8. I understand that if I do leave, it will disqualify me from the promotional process and it may cause the cancellation of all interviews.
9. I understand I may not make or receive phone calls or make or receive any electronic or digital communication during the sequestration period.
10. If I violate any of these terms, I may be subject to discipline which could lead to termination of my employment with the Neptune Township Police Department.

Print Name: ____

Signature: _____ Date: ____

§ 2-10.11. County Mutual Aid Agreement.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Any ordinance that is inconsistent with the provisions of this Ordinance shall be repealed as to their inconsistencies only.
2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion shall be deemed a separate district and independent provision and such holding shall not affect the validity of the remaining portions thereof.
3. This Ordinance shall take effect after final adoption and publication in accordance with law.

APPROVED ON FIRST READING: June 28, 2021

APPROVED, PASSED, AND ADOPTED: July 26, 2021

Richard J. Cuttrell,
Municipal Clerk

Michael Brantley, Mayor
Mayor

ORDINANCE NO. 21-39

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON CENTRAL AVENUE AND BEACH 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> |
|-----------------------|----------------------|---|
| Central Avenue | 1 | West side of Central Avenue beginning 10 feet north of the northwest intersection of Central Avenue and Pitman Avenue |
| Beach Avenue | 1 | West side of Beach Avenue beginning 40 feet north of the northwest intersection of Beach Avenue and Spray Avenue |

SECTION 2

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-40

AN ORDINANCE TO AMEND CHAPTER II, ARTICLE II,
SECTION 2-5 OF THE CODE OF THE TOWNSHIP OF
NEPTUNE ENTITLED, "BUSINESS ADMINISTRATOR"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that Chapter II, Article II, Section 2-5 of the Code of the Township of Neptune be and is hereby amended to read as follows:

Section 1. § 2-5 BUSINESS ADMINISTRATOR.

§ 2-5.1 Creation of Office of Business Administrator.

The office of Business Administrator is hereby created in and for the Township pursuant to the provisions of N.J.S.A. 40A:9-136, et seq. The duties of the Business Administrator shall be those set forth in § 2-5.7, in addition to those other duties as shall be assigned by the Township Committee from time to time.

§ 2-5.2 Assistant Business Administrator.

There is hereby created the position of Assistant Business Administrator. The duties of the Assistant Business Administrator shall be those set forth in 2-5.7, in addition to those other duties as shall be assigned by the Business Administrator or Township Committee from time to time. The Business Administrator shall ensure that the Assistant Business Administrator has sufficient involvement and familiarity with the day-to-day operations of the Township such that he or she is ready and able to assume the duties of the Business Administrator in the absence of the Business Administrator.

§ 2-5.3 Appointment; Vacancy; Absence or Disability.

a. The Business Administrator and the Assistant Business Administrator shall be appointed by a majority of the Township Committee and shall serve at the pleasure of the Township Committee.

b. Any vacancy in these offices shall be filled by appointment of the Township Committee.

c. Absence or Disability: During the absence or disability of the Business Administrator, the Assistant Business Administrator shall perform the duties of this office during such absence or disability. Such absence or disability shall be limited to three (3) months after which time, such absence or disability may be deemed a vacancy.

d. The Business Administrator and the Assistant Business Administrator shall not be removed from office except in accordance with N.J.S.A. 40A:9-138, and N.J.S.A. 40A:63-7.1, which statutes are incorporated herein by reference.

§ 2-5.4 Qualifications and Requirements.

a. The Business Administrator and the Assistant Business Administrator shall be appointed on the basis of their executive and administrative abilities and qualifications, with special regard to education, training and experience in governmental affairs, including the interworking of governmental agencies and boards.

b. (Reserved)

c. The Business Administrator and Assistant Business Administrator shall be appointed to serve and each shall devote their full time to the duties of this office, except that nothing herein shall prevent the Business Administrator or Assistant Business Administrator from also holding another municipal office of the Township and fulfilling the duties thereof.

§ 2-5.5 Salaries.

The Business Administrator and the Assistant Business Administrator shall receive such salaries as may be established by the Township Committee in the annual salary ordinance.

§ 2-5.6 Supervision of Business Administrator.

The Business Administrator shall be the Chief Administrative Officer of the Township. The Assistant Business Administrator shall be the Deputy Chief Administrative Officer of the Township. The Business Administrator and Assistant Business Administrator shall, at all times, be under the supervision of and responsible to the Township Committee for all actions relevant to the duties and responsibilities of these offices to the extent not prohibited by law.

§ 2-5.7 Duties.

The Business Administrator, and the Assistant Business Administrator under the supervision and direction of the Business Administrator, for the purpose of carrying out their responsibilities, shall develop, promulgate and implement, with the approval of the Township Committee, sound administrative, personnel and purchasing practices and procedures for all departments, offices and agencies of the Township, and shall to that end:

a. Study, recommend, implement and enforce personnel organization and policy of the Township and its departments, in accordance with Chapter 9 of the Township Code.

b. Study, recommend, implement and enforce administrative procedures and policies of the Township and its departments after consultation with department heads.

c. Study, recommend, implement and enforce purchasing procedures and policies of the Township and its departments after consultation with department heads.

d. Study, recommend, implement and enforce procedures and policies of the Township and departments for receipt, dissemination and collation of, and responses to, communications and information after consultation with department heads.

e. Assign responsibility for departmental action and coordinate intradepartmental operations as authorized by the Township Committee.

f. Study, recommend, implement and enforce the procedures and policies of the Township and its departments for the coordination, compiling, editing and prompt dissemination and release of public information, upon the recommendation and authorization of the Township Committee.

g. See that all terms and conditions imposed in favor of the Township or its inhabitants in any statute or contract are faithfully kept and performed and, upon knowledge of any violation, call the same to the attention of the Township Committee.

h. Study, recommend, implement and enforce the financial procedures and policies of the Township and its departments after consultation with department heads.

i. Conduct a continuous study of all activities and operations of the Township government and recommend changes for the purpose of increasing efficiency and effectiveness; prescribe such rules and regulations as they shall deem necessary with the approval of the Township Committee for the conduct of administrative procedures, and revoke, suspend or amend any such rules or regulations, subject to approval of the Township Committee in all background matters to assist it with the establishment of policy.

j. To require the various departments to effect an adequate inventory of all equipment, materials and supplies in stock, and to recommend sale of any surplus, obsolete or unused equipment when authorized by the Township Committee.

k. The Business Administrator and Assistant Business Administrator shall make studies and surveys of such municipal problems of the Township as shall be assigned to them by the Township Committee, and prepare and submit written reports of their findings and determinations to the Township Committee for consideration and action. The Business Administrator and Assistant Business Administrator shall be responsible to see that any complaints concerning the functions and obligations of the Township made by any of its residents, citizens or taxpayers are promptly attended to, a written record kept of such complaints when made, and when and what action was taken in response thereto.

l. The Business Administrator and Assistant Business Administrator shall perform such other duties as may be specifically assigned to them by the Township Committee.

m. The Business Administrator and Assistant Business Administrator shall attend all public meetings of the Township Committee and any other meetings when so requested by the Township Committee.

n. The Business Administrator and Assistant Business Administrator shall assist the Township Committee in the preparation of the annual Township operating and capital budgets to be considered and adopted by the Township Committee.

o. The Business Administrator and Assistant Business Administrator shall keep the Township Committee informed as to Federal aid projects, State aid projects and any other aid programs for which the Township may qualify.

§ 2-5.8 Powers of Municipal Officials Not Impaired.

Nothing in this section shall derogate from or authorize the Municipal Business Administrator to exercise the powers and duties of the elected and appointed officials or employees.

Section 2. This amendatory ordinance shall take effect 20 days after the first publication thereof after final adoption as provided by law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

Richard J. Cuttrell
Municipal Clerk

Dr. Michael Brantley
Mayor

RESOLUTION #21-260 – 7/26/21

AUTHORIZE EMPLOYMENT OF THREE POLICE OFFICERS
ON A PROBATIONARY BASIS

WHEREAS, due to retirements, there are vacancies in the position of Police Officer; and,

WHEREAS, candidates were interviewed by the Police Department Command Staff; and,

WHEREAS, the Chief of Police has made his recommendations and the Police Committee has approved said recommendations; and,

WHEREAS, funds for this purpose are available in the 2021 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 the following individuals be and are hereby employed as probationary Police Officers in the Police Department, pending favorable results of physical and psychological examinations, at an annual base salary of \$40,000.00, and to perform such other duties as prescribed by the Chief of Police effective August 1, 2021:

Vincent Zenna
Marcus Neal
Kylee Jazikoff

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Chief Financial Officer, Assistant C.F.O, Human Resources Director, and P.B.A. Local #74.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-261 - 7/26/21

DESIGNATE 2022 FLOATING HOLIDAY

WHEREAS, Article XII, Section J, of the current contract between AFSCME and the Township provides for a floating holiday that is set upon mutual agreement of AFSCME and the Township Administrator by July 1st of the previous year; and,

WHEREAS, the Township Administrator and AFSCME have discussed that the 2022 floating holiday benefit be used on Friday, July 1, 2022,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the 2022 floating holiday benefit will be utilized by Township employees on Friday, July 1, 2022, all employees will be off-duty for that day, with the exception of Police Officers, EMTs, custodial staff and library staff; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to all Department Heads and both AFSCME bargaining units.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-262 - 7/26/21

APPROVE THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2021 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

WHEREAS, the Township of Neptune, New Jersey (the "Municipality") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Monmouth County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2021 (Neptune Township Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority (the "Lease"); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2021, there has been prepared and submitted to the Municipality a Letter of Representative in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2021 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person");

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF NEPTUNE AS FOLLOWS:

Section 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Continuing Disclosure Agreement in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

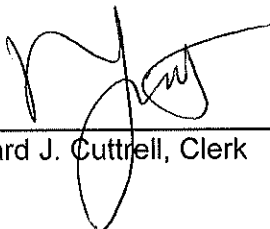
Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or property for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2021 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

| VOTE: | AYES | NAYS | ABSTAIN | ABSENT |
|-------|----------|------|---------|--------|
| | Cafferty | None | None | None |
| | Lane | | | |
| | Williams | | | |
| | York | | | |
| | Brantley | | | |

This is to certify that the foregoing Resolution was adopted by the Township Committee of the Township of Neptune at their meeting held on July 26, 2021.



Richard J. Cuttrell, Clerk

RESOLUTION #21-263 - 7/26/21

ACCEPT A FY21 BODY-WORN CAMERA GRANT PROGRAM AWARD FROM
THE NJ DEPARTMENT OF LAW & PUBLIC SAFETY

WHEREAS, the Township received notification from the New Jersey Department of Law & Public Safety of a FY21 Body-Worn Camera Grant Program award; and,

WHEREAS, the FY21 Body-Worn Camera Grant Program Award #21-BWC-299 is for the award period from January 1, 2021 to December 31, 2025; and,

WHEREAS, the total grant in the amount of \$189,534.00, with no local match required, from State Account No. BFY21-100-066-1020-495 is for the purpose of acquiring body-worn cameras for Township police officers;

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune does hereby accept the FY21 Body-Worn Camera Grant Program award as described herein; and,

BE IT FURTHER RESOLVED, that the Township of Neptune is accepting the specific grant of funds for the purpose as described in the application; and,

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-264 - 7/26/21

ACCEPT THE RESIGNATION OF JONATHAN CESAREO AS A DRIVER
IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Public Works Department has received a voicemail from Jonathan Cesareo resigning as a Driver in the Public Works Department effective July 7, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Jonathan Cesareo as a Driver in the Public Works Department is hereby accepted effective July 7, 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Public Works Director, Assistant C.F.O., and 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 JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-265 - 7/26/21

AUTHORIZE THE CANCELLATION OF SEWER RENT
(3124 WEST BANGS AVENUE)

WHEREAS, the Tax Collector has requested the cancellation of sewer rent to the property listed below,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and hereby is authorized to cancel Sewer Rent as stated herein; and,

| BLOCK/LOT | ASSESSED TO | ADDRESS | YEAR | AMOUNT |
|-----------|-----------------------------|---------------------|------|--------|
| 2601/8 | Scarlet Flier Ventures, LLC | 3124 West Bangs Ave | 2020 | 460.00 |

REASON: Building disconnected 8/2020

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-266 - 7/26/21

AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION
TO THE MONMOUTH COUNTY OFFICE ON AGING

WHEREAS, the Township of Neptune is desirous to obtain Older Americans Act (Title III), Supplemental Aging Supportive Services and Safe Housing and Transportation funding for the three year cycle 2022-2024, in the amount of \$25,000 each year, from the Monmouth County Office on Aging to provide services to Neptune Seniors through the Neptune Senior Center; and,

WHEREAS, the Senior Center Director has completed the necessary documentation for submission,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the submission of a grant request to the Monmouth County Office on Aging for Older Americans Act (Title III), Supplemental Aging Supportive Services and Safe Housing and Transportation funding for the three year cycle 2022-2024; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer and Senior Center 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 JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-267 - 7/26/21

AUTHORIZE CHANGE DRAWERS IN THE CODE/CONSTRUCTION DEPARTMENT


WHEREAS, the Code/Construction Department currently has five change drawers, each in the amount of \$20.00; and,

WHEREAS, the Construction Official and Chief Financial Officer recommend that the amount of the change drawers be increased to \$75.00,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that five (5) change drawers be and are hereby authorized in the amount of seventy-five dollars (\$75) each in the Code/Construction Department; and,

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-268 - 7/26/21

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT
WITH NEPTUNE TOWNSHIP FIRE DISTRICT #1 TO PROVIDE VEHICLE MAINTENANCE

WHEREAS, the Township of Neptune has a contract with a third party contractor to provide vehicle maintenance to Township vehicles; and,

WHEREAS, the Township of Neptune desires to enter into an Interlocal Service Agreement pursuant to N.J.S.A. 40:8A-1 et seq. with Neptune Township Fire District #1 to provide vehicle maintenance services through the Township's fleet maintenance provider at the Township's Public Works Yard to the Fire District; and,

WHEREAS, the Fire District agrees to pay the Township a rate equal to the contracted hourly labor rate plus \$10.00 per hour for administrative costs plus a 10% mark up on parts and sublet fees,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Service Agreement with Neptune Township Fire District #1, for a period of one year with an option to automatically renew in each of the next five years, effective July 1, 2021, which provides that the Fire District will pay the Township for vehicle maintenance services provided by the Township's fleet maintenance provider; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., and Administrative Assistant to the 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 JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-269 - 7/26/21

APPROVE PAYMENT TO NEPTUNE TOWNSHIP EMERGENCY MEDICAL TECHNICIANS
FROM REIMBURSEMENTS RECEIVED FROM THE NEW JERSEY EMS TASK FORCE
FOR COVID RELATED TASK FORCE ASSIGNMENTS

WHEREAS, the Township of Neptune is a member of the New Jersey EMS Task Force, hereafter referred to as "the Task Force"; and,

WHEREAS, the New Jersey Department of Health, along with other state agencies and local non-profits, have assigned the Task Force to fill important roles related to the State's response to the COVID health emergency; and,

WHEREAS, the Task Force assigns Neptune Township Emergency Medical Technicians to specific roles, including but not limited to Vaccinator, EMT Observer, EMT, Logistics, and Planner; and,

WHEREAS, the Township receives payment from the Task Force at an hourly rate established by the Task Force based on the specific role, plus a \$5.00 per hour administrative retained by the Township; and,

WHEREAS, the Township desires to pay its Emergency Medical Technicians at the rate at which the Township receives reimbursement for each specific role performed,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that compensation be and is hereby permitted and authorized to Township Emergency Medical Technicians detailed to covid related assignments by the New Jersey EMS Task Force at the rate established and reimbursed to the Township by the Task Force for the specific EMS related role and duty; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O. and EMS 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 JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-270 - 7/26/21

AUTHORIZE THE RENEWAL OF MICROSOFT EXCHANGE GOVERNMENT LICENSE
THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Municipal Information Systems Department wishes to renew the Township's Microsoft Exchange Government (G2) License for various Township departments through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; 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, Liftoff, LLC has been awarded New Jersey State Contract No. 40166 for this item; and,

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

WHEREAS, the cost of this item shall not exceed \$19,014.00; and,

WHEREAS, funds for this purpose are available in the 2021 municipal budget in the appropriation entitled Telecommunications Costs 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 renewal of the Township's Microsoft Exchange Government (G2) License for various Township departments from Liftoff, LLC through the New Jersey Cooperative Purchasing Program at an amount not to exceed \$19,014.00; and,

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-271 - 7/26/21

AUTHORIZE THE PURCHASE OF COMPUTER TABLETS AND ACCESSORIES
THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Sewer Department Supervisor has recommended the purchase of Panasonic ToughBook tablets, with related accessories and extended warranty, through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; 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, TelrepcO has been awarded New Jersey State Contract No. 89980 for this equipment; and,

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

WHEREAS, the cost of the equipment shall not exceed \$35,000.00; and,

WHEREAS, funds for this purpose are available in the 2021 Sewer Utility budget in the appropriation entitled Acquisition of Vehicles and Equipment and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of Panasonic ToughBook tablets, with related accessories and extended warranty, for the Sewer Utility through New Jersey Cooperative Purchasing Program Contract No. 89980 awarded to TelrepcO be and is hereby authorized at an amount not to exceed \$35,000.00; and,

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-272 – 7/26/21

AUTHORIZE TERMINATION AND RELEASE OF SEWER RESERVATION FEE AGREEMENT
WITH TINTON FALLS VETERANS HOUSING, LLC AND SOLDIER ON, INC.

WHEREAS, On June 9, 1997, the Township of Neptune, the Borough of Tinton Falls and Tinton Falls Campus, LLC, along with the Township of Neptune Sewerage Authority entered into a Sewer Reservation Fee Agreement, whereby Neptune Township and the Township of Neptune Sewerage Authority, and in particular the Township itself, would provide and reserve sewer service for 2,500 equivalent service units, and if utilized by Tinton Falls Campus, LLC or its successor and assigns, the Neptune Township Sewerage Authority would provide domestic sewage treatment and disposal service for said project to the extent of the Agreement and to the extent reserved by Neptune Township, with an annual reservation fee set forth more fully in the aforesaid Sewer Reservation Fee Agreement of June 9, 1997, with regard to property being developed primarily between the north and south branches of the Jumping Brook designated as Block 128.03; Lots 5 – 14, 39 and 46 and portions of Lot 19 and 22 of the Tinton Falls Borough's Tax Map (the "property"); and

WHEREAS, over time, Tinton Falls Campus, LLC was succeeded by Tinton Falls Housing, LLC ("Developer/Owner") and Soldier on, Inc., and by letter of February 24, 2021 advised the Township of Neptune that it was seeking sewer capacity through another source and did not want to continue making payments to the Township per the aforesaid Agreement, and if fact, sought reimbursement for reservation fees paid since 2016 in the amount of \$57,600.00; and

WHEREAS, by letter of May 24, 2021 from the Municipal Attorney of Neptune Township, the Township advised the Developer/Owner that there was no legal or factual basis for a refund; that the Developer/Owner was in default of the Service Agreement of June 9, 1997 and had not paid service fees for 2020 and part of 2021, which at the time totaled \$28,800.00, and that it had sixty days to cure the aforesaid default, or the Township would act accordingly per the Agreement; and

WHEREAS, the Township with mutual agreement of the Developer/Owner was willing to terminate the aforesaid Agreement with the Developer/Owner waiving any claims with regard to refunds and releasing the Township with regard to any claims of refunds, and the Township terminating said Agreement with the Developer/Owner and releasing Developer/Owner with regard to all reservation fees due and owing for 2020 and 2021 in the amount of \$28,800.00.

NOW, 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 a Mutual Release with the Developer/Owner of the aforesaid property whereby the Developer/Owner shall release the Township of Neptune of any claims for refunds, and the Township of Neptune shall release the Developer/Owner from any sewer service fees due and owing under the Agreement of June 9, 1997 in the amount of \$28,800.00; and

CERTIFICATION

BE IT FURTHER RESOLVED, that the aforesaid Release by the Township is subject to execution of the Mutual Release by the Developer/Owner.

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-273 - 7/26/21

PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Director of Code Enforcement may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Director of Code Enforcement determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Director of Code Enforcement has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Director of Code Enforcement has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

| <u>BLOCK/LOT</u> | <u>ADDRESS</u> | <u>AMOUNT</u> |
|------------------|---------------------------|---------------|
| 503/11 | 1300 Heck Avenue | \$ 467.50 |
| 5408/17 | 425 South Riverside Drive | 800.00 |
| 1003/3 | 121 Highway 35 | 1,212.50 |

BE IT FURTHER RESOLVED, that a copy of this resolution along with the Code Enforcement Supervisor's report be forwarded to the Tax Collector.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-274 - 7/26/21

AUTHORIZE AN AMENDMENT TO THE 2021 MUNICIPAL BUDGET TO REALIZE
MONIES FROM THE MONMOUTH COUNTY OFFICE ON AGING/CARES ACT

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the addition of an item of revenue in the budget for the year 2021 in the sum of \$55,119.00 which is now available from the Monmouth County Office on Aging FY21 Title IIIB Older Americans Act grant/CARES Act funding in the additional amount of \$55,119.00; and,

BE IT FURTHER RESOLVED that the like additional sum of \$55,119.00 is hereby appropriated under the caption of Senior Citizens Program – Title IIIB/CARES Act; and,

BE IF FURTHER RESOLVED, that the above is the result of additional funds from the Monmouth County Office on Aging FY21 Title IIIB funding Older Americans Act grant/CARES Act in the amount of \$55,119.00; and,

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

Vote:

Cafferty: aye
Lane: aye
Williams: aye
York: aye
Brantley: aye

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-275 - 7/26/21

AUTHORIZE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENT TO NEPTUNE BOULEVARD PROJECT

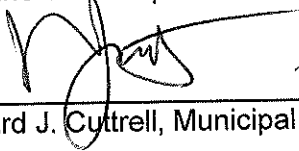
THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune formally approves the grant application for the above stated project; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Improvements to Neptune Boulevard-00643 to the New Jersey Department of Transportation on behalf of the Township of Neptune; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Neptune and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator and Chief Financial Officer and three certified copies to the Township Engineer.

Certified as a true copy of the Resolution adopted by the Neptune Township Committee on this 26th day of July, 2021



Richard J. Cuttrell, Municipal Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

RESOLUTION #21-276 - 7/26/21

ACCEPT THE RESIGNATION OF MICHAEL KEE AS A DRIVER
IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Director of Public Works has received a letter from Michael Kee resigning as a Driver in the Public Works Department effective August 4, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Michael Kee as a Driver in the Public Works Department is hereby accepted effective August 4, 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Public Works Director, Assistant C.F.O., and 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 JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-277 - 7/26/21

AMEND FEE SCHEDULE FOR REPAIR RATES PERFORMED
BY THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, on January 1, 2021, the Township Committee adopted Resolution #21-50 which established rates for materials, equipment, and labor when the Department of Public Works performs repairs to abate property maintenance violations or conditions if the property owner, operator or occupant, does not act to correct the violation within the three day period; and,

WHEREAS, the cost of plywood has risen dramatically and is now above the rate in the established fee schedule,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the 2021 fee schedule for material and labor rates for work performed by Public Works Department be and is hereby amend to reflect a rate for plywood of \$40.00 per 4X8 sheet; and,

BE IT FURTHER RESOLVED, that all other material and labor rates established by Resolution #21-50 remain in full effect for 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Code Enforcement Supervisor, Director of Public Works, Tax Collector/C.F.O. and Business Administrator.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-278 – 7/26/21

AUTHORIZE SETTLEMENT IN THE MATTER OF MELVIN JOHNSON V. NEPTUNE
TOWNSHIP, POLICE OFFICER KRISTOPHER DALY AND
CHIEF OF POLICE JAMES M. HUNT

WHEREAS, Plaintiff, Melvin Johnson, filed a lawsuit against Police Officer, Kristopher Daly and Chief of Police James M. Hunt, as well as the Township of Neptune, as a result of an arrest under allegations of excessive force during a traffic stop in the U.S. Federal District Court under Claim No. 2021235354; and

WHEREAS, it is the recommendation of the Labor Counsel for Neptune Township, Greg Pasquale, Esq. and the Neptune Township Insurance Carrier, that this matter be settled for \$5,000.00; subject to the consent of the Neptune Township Committee,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, that the governing body hereby authorizes a settlement in the case of Melvin Johnson v. Police Officer, Kristopher Daly, and Chief of Police, James M. Hunt, and the Township of Neptune under Claim No. 2021235354 in the Federal Court of New Jersey for payment in the amount of \$5,000.00.

BE IT FURTHER RESOLVED, that this settlement authorization is made without prejudice with regard to any changes arising from actions taken by the Plaintiff or Co-defendants in this matter; and,

BE IT FURTHER RESOLVED, that the Township Committee hereby authorizes Labor Counsel, Greg Pasquale, Esq., the attorney appointed by the Neptune Township Insurance Carrier, to prepare the necessary Stipulation of Settlement Agreement for settlement of the aforesaid matter in the amount of \$5,000.00, and authorizes the Mayor and Clerk to execute the same upon receipt; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Labor Attorney, Chief of Police, 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 JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-279 - 7/26/21

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT
(1423 7th AVENUE)

WHEREAS, the property listed below reflects an overpayment; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund;
and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune,
County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to
refund the taxes as stated herein; and,

| BLOCK | LOT | ASSESSED TO | ADDRESS | YEAR | AMOUNT |
|-------|-----|----------------------------|-----------------------------|------|-----------|
| 410 | 28 | 1423 7 th , LLC | 1423 7 th Avenue | 2021 | \$1185.02 |

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-280 - 7/26/21

EMPLOY PART-TIME TEMPORARY TOURISM REPRESENTATIVE
FOR THE 2021 SUMMER SEASON

WHEREAS, there is a need to employ a temporary Tourism Representative to complete the normal staffing level in the Tourism Bureau for the 2021 Summer Season; and,

WHEREAS, funds for this purpose will be provided in the 2021 Municipal Budget, in the appropriation entitled Publicity & Tourism 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 Patricia Dasky be and is hereby employed as a part-time temporary Tourism Representative in the Tourism Bureau not to exceed an average of 25 hours per week per employee or an average of 40 hours per week in total staffing beginning April 15, 2021 and ending October 15, 2021, at an hourly rate of \$16.72; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tourism Bureau, 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 JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-281 - 7/26/21

GRANT UNPAID LEAVE OF ABSENCE

WHEREAS, David Stempien, Engineering Technician in the Engineering Department, has requested an unpaid leave of absence; and,

WHEREAS, the Human Resources Director has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that David Stempien, Engineering Technician in the Engineering Department, is hereby granted an unpaid leave of absence from July 20, 2021 to August 31, 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township Engineer, 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 JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-282 - 7/26/21

GRANT UNPAID LEAVE OF ABSENCE

WHEREAS, Diana Pajak, Department Secretary in the Code/Construction Department, has requested an unpaid leave of absence; and,

WHEREAS, the Human Resources Director has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Diana Pajak, Department Secretary in the Code/Construction Department, is hereby granted an unpaid leave of absence from July 7, 2021 to August 31, 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Construction Official, 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 JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-283 – 7/26/21

AMEND RESOLUTION #21-210 AUTHORIZING INDEPENDENT INVESTIGATION OF
PRIOR DISCIPLINARY ACTIONS INVOLVING ALLEGATIONS OF MISCONDUCT
IN THE DEPARTMENT OF PUBLIC WORKS AND APPOINTING
AN INDEPENDENT INVESTIGATOR TO UNDERTAKE SAID INVESTIGATION

WHEREAS, on May 24, 2021 the governing body of the Township of Neptune adopted Resolution #21-210, appointing Michael R. Burns, Esq., of Marmero Law, to perform an independent investigation with regard to certain disciplinary actions and conduct by employees of the Public Works Department; and

WHEREAS, said investigation has uncovered prior allegations of misconduct and a history of disciplinary actions concerning the conduct of current and prior employees of the Public Works Department, which Mr. Burns feels requires further investigation; and

WHEREAS, the Township Committee agrees that a broader and more comprehensive investigation is necessary in order to provide the advice of counsel in the deliberative process in order to address these potential issues, to examine their potential legal ramifications and to prevent future litigation; and

WHEREAS, funds will be provided in the 2021 Municipal Budget in the appropriation entitled Legal Services, O.E. and the Chief Financial Officer has so certified in writing,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes an expansion of the independent investigation previously authorized by Resolution #21-210 on May 24, 2021, to now include a more comprehensive investigation into the current disciplinary process, prior investigations and any allegations of misconduct by employees of the Public Works Department and those involved in the disciplinary process of its employees; and

BE IT FURTHER RESOLVED, that the Township Committee hereby authorizes continued funding of this investigation to the extent of an additional \$10,000.00 from that previously authorized by Resolution #21-210 for the investigation due to the expansion of the same; and

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-284 – 7/26/21

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 | 2,786,230.00 |
| GRANT FUND | 8,201.27 |
| TRUST FUND | 57,611.38 |
| GENERAL CAPITAL FUND | 1,437,199.35 |
| SEWER OPERATING FUND | 386,255.04 |
| MARINA OPERATING FUND | 8,852.17 |
| DOG TRUST | 1,352.40 |
| U.D.A.G. RECIPROCAL TRUST | 2,024.80 |
| LIBRARY TRUST | 2,577.04 |
| BILL LIST TOTAL | \$4,690,303.45 |

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 JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-285 - 7/26/21

RECLASSIFY EMPLOYEE TO THE POSITION OF
ACTING DIRECTOR OF ENGINEERING & PLANNING

WHEREAS, due to the resignation of Leanne Hoffman, there is a vacancy in the position of Director of Engineering and Planning; and,


WHEREAS, the Business Administrator has made a recommendation to reclassify the current Assistant Township Engineer to this position and an acting capacity; and,

WHEREAS, funds will be provided in the 2021 Municipal Budget in the appropriation entitled Engineering 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 Kinga Stopka be and is hereby reclassified to the position of Acting Director of Engineering and Planning, at the pleasure of the Township Committee, at an annual salary of \$80,000.00 effective July 27, 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the 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 JULY 26, 2021



Richard J. Cuttrell, Municipal Clerk