

TOWNSHIP COMMITTEE WORKSHOP MEETING – December 12, 2022 – 6:00 P.M.

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

Roll Call	Present/ Absent
Dr. Michael Brantley	_____
Keith Cafferty	_____
Robert Lane, Jr.	_____
Tassie D. York	_____
Nicholas Williams	_____

Also present: Gina M. LaPlaca, Business Administrator; Gene Anthony, Township Attorney; Gabriella Siboni, Municipal Clerk.

Mayor Williams announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 6, 2022, 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. Committee Calendars

Res # 517 Authorize An Executive Session As Authorized By The Open Public Meetings Act.

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

TOWNSHIP COMMITTEE MEETING – December 12, 2022 – 7:00 P.M.

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

Roll Call	Present/ Absent
Dr. Michael Brantley	_____
Keith Cafferty	_____
Robert Lane, Jr.	_____
Tassie D. York	_____
Nicholas Williams	_____

Also present: Gina M. LaPlaca, Business Administrator; Gene Anthony, Township Attorney; Gabriella Siboni, Municipal Clerk.

SILENT PRAYER AND FLAG SALUTE

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

Mayor Williams announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 6, 2022, 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 meetings of November 28, 2022.

PRESENTATION

Presenting a Certificate of Recognition to Pound the Pavement

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.

PUBLIC HEARING AND FINAL ADOPTION ORDINANCES:

Ordinance 22-51 An Ordinance To Further Amend And Supplement The Land Development Ordinance Of The Township Of Neptune By Defining And Regulating Cannabis Class Uses

Explanatory Statement: This ordinance updates the hours of operation allowed for Cannabis Class 5 Businesses.

Public Hearing for Ordinance 22-51 Scheduled for December 22, 2022 Township Committee Meeting.

Ordinance 22-52 Ordinance Amending Neptune Township Code, Chapter Xi, Entitled “Buildings And Housing”

Explanatory Statement: This ordinance establishes the regulations for Lead Paint Hazards and Rental Properties by identifying the scope and purpose, fees, inspection requirements, exceptions, compliance and penalties.

Ordinance 22-54 An Ordinance To Amend And Supplement Chapter Iv, Section 4-20 Entitled “Garage Sales”

Explanatory Statement: This ordinance amends Section 4-20 “Garage Sales” to amend the limits to number of permits issued to a calendar year rather than calculated by “within twelve months”.

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

Ordinance 22-55 An Ordinance To Amend And Supplement Chapter Iv, Section 4-3 Entitled “General Requirements For Mercantile Registration”

Explanatory Statement: This ordinance amends Section 4-3 “General Requirements for Mercantile Registration” to add “Business Insurance Registry” which requires filing proof of insurance with mercantile registration applications pursuant to the requirements of S-1368

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

ORDINANCES FOR FIRST READING

There are no ordinances for first reading tonight.

CONSENT AGENDA

- Res # 518** A Resolution Of The Township Committee Of The Township Of Neptune Accepting Resignations
- Res # 519** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing The Cancellation And Refunds Of Certain Fees And Payments- Code And Construction
- Res # 520** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Reclassification
- Res # 521** A Resolution Authorizing The Cancellation Of The Unexpended Balance Of Various Ordinances
- Res # 522** A Resolution Authorizing The Cancellation Of Various Reserves In The General Capital Fund
- Res # 523** A Resolution Authorizing The Cancellation Of Grant Receivables And Grant Reserves
- Res # 524** Establish Annual Compensation For Fire Commissioners
- Res # 525** Authorize Execution Of An Extension For Treatment Works Application For Proposed Hilton Hotel At Route 66 And McNamara Way Previously Approved By Resolution 19-209
- Res # 526** A Resolution Of The Township Committee Of The Township Of Neptune To Establish A Commodity Resale System And To Enter Into Commodity Resale Agreements With Other Contracting Units

Res # 527 A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Extension Of Shared Services Agreement With The Borough Of Neptune City For Emergency Medical Services

Res # 528 Resolution Authorizing Execution Of The Side Bar Agreement With AFSCME Local #2792

Res # 529 Authorize The Payment Of Bills

CONSENT AGENDA

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

SEPARATED RESOLUTIONS

Res # 530 A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Code And Construction

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

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

ADJOURNMENT

Offered by: _____ Seconded by: _____

Time adjourned: _____

CERTIFICATE OF RECOGNITION

This Certificate Is To Commend

9th Annual Pound the Pavement

For their outstanding efforts and record breaking fundraising. Congratulations on raising \$60,000 for the Lustgarten Foundation; the largest private funder of Pancreatic Cancer research. Special thanks and recognition is needed of the following individuals for their work and dedication to make the 9th Annual

Pound the Pavement a successful event:

Thomas Arnone

Eric Houghtaling

Robert Lane, Jr.

Michelle Narciso

Jayme Narciso

Lauren Bumbera

Fred Rummel

Gail Temple

Amanda Maraldo

Mike Zarro

Jim MacConchie

Nicholas Williams, Mayor

**TOWNSHIP OF NEPTUNE
ORDINANCE 22- 52**

**ORDINANCE AMENDING NEPTUNE TOWNSHIP CODE, CHAPTER XI, ENTITLED
“BUILDINGS AND HOUSING”**

WHEREAS, Neptune Township has recognized the need to address lead-based paint hazards concerning buildings and structures within the municipality; and

WHEREAS, the New Jersey State Legislature passed an Act concerning lead-based paint hazards and residential rental properties under N.J.S.A. 52:27D-437.1 in 2021; which went into effect July 22, 2022; requiring local ordinance implementation soon thereafter.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Neptune in the County of Monmouth in the State of New Jersey that the Neptune Township Code, Chapter XI, entitled “Buildings and Housing” shall be amended to add §11-9, entitled, “Lead-based Paint Hazards and Rental Properties” as follows:

Section 1.

§11-9 Lead-based Paint Hazards and Rental Properties.

§11-9.1 Definitions.

- a. “Dust Wipe Sampling” means a sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.
- b. “Tenant Turnover” means the time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.
- c. “Visual Assessment” means a visual examination for deteriorated paint or visible surface, dust, debris or residue.
- d. “Municipality” means Neptune Township.
- e. “Permanent Local Agency” means the Neptune Township Code Enforcement and Construction Department (hereinafter referred to as “Neptune Code Enforcement.”)

§11-9.2 Scope and Purpose.

- a. Neptune Code Enforcement shall serve as the Department to conduct inspections and enforce laws and Ordinances and Regulations under this Ordinance. Neptune Code Enforcement shall inspect or contract out to a qualified contractor to inspect.
- b. Neptune Code Enforcement shall inspect every single family and two-family located within Neptune Township at the time of tenant turnover for lead-based paint hazards or within two years of the effective date of this Ordinance.
 - i. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that inspection upon tenant turnover shall not be

required if the owner has a valid lead- safe certification pursuant to this Section.

- c. Neptune Code Enforcement shall charge the dwelling owner or landlord a fee sufficient to cover the cost of the inspection.

§11-9.3 Administration.

- a. Subject to §11-9.4, Neptune Code Enforcement where it is unable to carry out inspections due to the lack of expertise or certification and enforcing Laws, Ordinances and Regulations concerning buildings and structures within Neptune Township, for purposes of this Ordinance, Neptune Code Enforcement shall, through Neptune Township, hire a lead evaluation contractor; certified to provide lead-paint inspection services by the Department of Community Affairs, to inspect every single-family, two-family located within Neptune Township at tenant turnover for lead-based paint hazards or within two years of the effective date of this Ordinance. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover; except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification pursuant to this Section. Neptune shall charge the dwelling owner or landlord a fee sufficient to cover the cost of the inspection, including the cost of hiring the lead evaluation contractor; subject to §11-9.4; §11-9.5 and §11-9.6.
- b. Neptune shall permit the dwelling owner or landlord to directly hire a lead evaluation contractor who is certified to provide lead pain inspection services by the Department of Community Affairs to satisfy the requirements of §11-9.2 and §11-9.3.

§11-9.4 Consultation.

- a. Neptune Code Enforcement or lead evaluation contractor with the duty to inspect single-family and two-family pursuant to this Section may consult with the local Health Board, the Department of Health or the Department of Community Affairs concerning the criteria for the inspection and identification of areas and conditions involving the high risk of lead poisoning at dwellings; methods of detection of lead in dwellings and the standards for the repair of dwellings containing lead paint.

§11-9.5 Fees.

- a. Fees established pursuant to this Section shall be dedicated to meeting the cost of implementing and enforcing this Section and shall not be used for any other purpose. The following fees shall be assessed:

<u>Type of Fee</u>	<u>Amount of Fee</u>
Initial Inspection Fee	\$280 per unit
Lead Hazard Control Assistance Act	\$20.00 per unit
Re-Inspection Fee	\$100.00 per unit

§11-9.6 Exceptions.

- a. Notwithstanding §11-9.3 - §11-9.6 of this Ordinance to the contrary, a dwelling unit in a single-family, two-family or multi-rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:
 - 1. Has been certified to be free of lead-based paints;
 - 2. Was constructed during or after 1978;

3. Is in a multi-dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years and either under the current or previous owner has no outstanding lead violations from the most recent cyclical inspection performed under the “Hotel and Multiple Dwelling Law,” N.J.S.A. 55:13A-1, et seq;
4. Is a single-family or two-family seasonal rental dwelling which is rented less than 6 months duration each year by tenants that do not have consecutive lease renewals;
5. Has a valid, lead safe certification issued in accordance with this Section.

§11-9.7 Inspections.

- a. If a lead evaluation contractor or Neptune Code Enforcement finds that a lead-based paint lead hazard exists in a dwelling unit upon conducting an inspection pursuant to this Section, then the owner of the dwelling unit shall remediate the lead-based paint hazard by using abatement or lead-based paint hazard control methods, approved in accordance with the provisions of the “Lead Hazard Control Assistance Act,” N.J.S.A. 52:27D-437.1, et als.
 - i. If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two-dwelling units, then the lead evaluation contractor or permanent local agency shall inspect the remainder of the building’s dwelling units for lead hazards with the exception of dwelling units that have been certified that have been certified to be free of lead-based paint.
 - ii. Upon the remediation of the lead- based paint hazard, the lead evaluation contractor of Neptune Code Enforcement shall conduct an additional inspection of the unit to certify that the hazard no longer exists.
- b. If a lead evaluation contractor or Neptune Code Enforcement finds that no lead-based paint hazards exist in a dwelling unit upon conducting an inspection pursuant to this Section, or following remediation of the lead-based paint hazard pursuant to Paragraph (a.) of this subsection, then the lead evaluation contractor or Neptune Code Enforcement shall certify the dwelling unit as lead safe on a form prescribed by the Department of Community Affairs provided for in regulations or guidance promulgated by the State of New Jersey. The lead safe certification provided to the property owner by the lead evaluation contractor of Neptune Code Enforcement pursuant to this Section shall be valid for 2 years.

§11-9.8 Compliance.

- a.. Property owners shall provide the following:
 1. Evidence of the valid lead safe certification obtained pursuant to this Section as well as evidence on the most recent tenant turnover at the time of the cyclical inspection carried out under the “Hotel and Motel Multiple Dwelling Law,” N.J.S.A. 55:13A-1 et seq., unless not required to have had an inspection by a lead evaluation contractor or Neptune Code Enforcement pursuant to §11-9.7, (a.) (1-5);

2. Provide evidence of a valid lead safe certification to new tenants of the property at the time of tenant turnover; unless not required to have had an inspection by a lead evaluation contractor or Neptune Code Enforcement pursuant to §11-9.7 (a.) (1-5) and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease;
3. Maintain record of lead safe certification, which shall include the name or names of the unit's tenant or tenants, if the inspection was conducted during a period of tenancy; unless not required to have had inspection by a lead evaluation contractor or Neptune Code Enforcement pursuant to §11-9.7, (a.) (1-5);
4. If a lead evaluation contractor or Neptune Code Enforcement finds that a lead-based paint hazard exists in the dwelling unit upon conducting an inspection pursuant to this Section, then the lead evaluation contractor or Neptune Code Enforcement shall notify the Commissioner of Community Affairs, who shall review the findings in accordance with §8 of the "Lead Hazard Control Assistance Act," N.J.S.A. 52:27D-437.8;
5. If a dwelling located in Neptune, in which less than 3 percent of children tested, 6 years of age or younger, have a blood lead level greater than or equal to 5 ug/dL, according to the central lead screening database maintained by the Department of Health pursuant to Section 5 of N.J.S.A. 26:2-137.6 or according to other data deemed appropriate by the Commissioner, then a lead evaluation contractor or Neptune Code Enforcement may inspect for lead-based paint hazards through visual assessment;
6. If a dwelling located in Neptune, in which at least 3 percent of children tested, 6 years of age or younger, have a blood lead level greater than or equal to 5 ug/dL, according to the central lead screening database maintained by the Department of Health pursuant to Section 5 of N.J.S.A. 26:2-137.6 or according to other data deemed appropriate by the Commissioner, then the lead evaluation contractor or Neptune Code Enforcement shall inspect for lead-based paint hazards through dust wipe sampling;
7. If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of 2 or 3 dwelling units, then the lead evaluation contractor or Neptune Code Enforcement shall inspect the remainder of the building's dwelling units for lead hazards, with the exception of dwelling units that have been certified to be free of lead-based paint. The lead evaluation contractor or Neptune Code Enforcement may charge fees in accordance with this Section for such additional inspections.
8. In addition to the fees permitted to be charged for inspection of rental housing pursuant to this Section, Neptune shall assess an additional fee of \$20.00 per unit inspected by a certified lead evaluation contractor or Neptune Code Enforcement for purposes of the "Lead Hazard Control Assistance Act," N.J.S.A. 52:27D-437.1 et al., concerning lead hazard control work, unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00 pursuant to

the provisions of Section 10 of N.J.S.A. 52:27D-437.10. In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit. The fees collected pursuant to this subsection shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to Section 4 of N.J.S.A. 52:27D-437.4.

§11-9.9 Limitations.

In association with an application for lead remediation funding provided pursuant to the "Lead Hazard Control Assistance Fund," established pursuant to Section 4 of N.J.S.A. 52:27D-437.4, or any other program administered for lead remediation purposes by the Department of Community Affairs, the Township shall not request or require that a property owner disclose the social security number of any person renting the property or otherwise associated with the inspected property other than the property owner. This disclosure requirement prohibition shall apply to an application for assistance, funded and administered by the State for lead remediation purposes.

§11-9.10 Rule and Regulations

Neptune shall comply with adopted Rules and Regulations of the Department of Community Affairs affecting actions of Neptune and Neptune Code Enforcement under this Ordinance.

§11-9.11 Violations and Penalties

Neptune Code Enforcement shall be authorized to conduct investigations and issue penalties not inconsistent with this Section to enforce a property owner's failure to comply with this Ordinance. If Neptune or Neptune Code Enforcement determines that a property owner has failed to comply with this Ordinance with respect to a rental dwelling unit owned by the property owner, the property owner shall first be given 30 days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violations after 30 days, they shall be subject to a penalty not exceeding \$1,000.00 per week until the necessary action has been taken; unless penalties are specified elsewhere in this Ordinance or with regard to a specific violation, in which case such provision shall supersede this Section. If a violation is of a continuing nature, each day or portion of each day during which it occurs shall constitute an additional, separate and distinct offense.

Section 2. All Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Section 3. The amended Ordinance shall become effective immediately upon its passage and the publication as required by law.

Motion/ Second	Roll Call To Adopt On First Reading				Adopted on First Reading
	YAY	NAY	ABSTAIN	ABSENT	Dated:
Second	Dr. Michael Brantley	X			
	Keith Cafferty	X			
	Robert Lane, Jr.	X			
Motion	Tassie D. York	X			

Gabriella Siboni, RMC
Township Clerk

Nicholas Williams X

**Motion/
Second**

Roll Call To Adopt On Second and Final Reading

	YAY	NAY	ABSTAIN	ABSENT
Dr. Michael Brantley				
Keith Cafferty				
Robert Lane, Jr.				
Tassie D. York				
Nicholas Williams				

Adopted on Second Reading
Dated:

Gabriella Siboni, RMC
Township Clerk

Gabriella Siboni
Township Clerk

Nicholas Williams
Mayor

TOWNSHIP OF NEPTUNE

ORDINANCE 22-54

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER IV, SECTION 4-20
ENTITLED "GARAGE SALES"**

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the Neptune Township Code of Ordinances, Volume I, Chapter IV, Section §4-20, Entitled "Garage Sales" is amended as follows:

SECTION 1.

§4-20 Garage Sales

§4-20.4 Regulations

- a. Any license for a garage sale shall be valid and remain in force for a maximum of three (3) days and shall apply only to the person to whom granted and shall not be transferable.
- b. A license shall be valid for a single premises only. Participants in neighborhood/regional garage sale must each obtain a license.
- c. Items must be displayed on the licensed premises only.
- d. A garage sale may not be conducted earlier than 8:00 a.m. nor later than 5:00 p.m.
- e. Posting of signs shall be in accordance with the Township's Sign Ordinance.
- f. No person shall be issued more than two (2) licenses ~~within twelve (12) months~~ **in a calendar year** for the purpose of conducting a garage sale. Participation in a neighborhood/regional garage sale shall not be counted towards the two (2) annual individual licenses.
- ~~g.~~ No more than two (2) licenses for a neighborhood/ regional garage sale shall be issued ~~within a twelve (12) month period.~~ **in a calendar year.**
- h. Any person to whom a license is granted shall be required to exhibit such license in a conspicuous location.

SECTION 2.

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 3.

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

SECTION 4.

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 5.

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

		Roll Call To Adopt On First Reading				Adopted on First Reading
Motion/ Second		YAY	NAY	ABSTAIN	ABSENT	Dated: November 28, 2022
	Dr. Michael Brantley	X				
Motion	Keith Cafferty	X				
	Robert Lane, Jr.	X				
Second	Tassie D. York	X				_____
	Nicholas Williams	X				Gabriella Siboni, RMC Township Clerk

		Roll Call To Adopt On Second and Final Reading				Adopted on Second Reading
Motion/ Second		YAY	NAY	ABSTAIN	ABSENT	Dated:
	Dr. Michael Brantley					
	Keith Cafferty					
	Robert Lane, Jr.					
	Tassie D. York					_____
	Nicholas Williams					Gabriella Siboni, RMC Township Clerk

Gabriella Siboni
Township Clerk

Nicholas Williams
Mayor

TOWNSHIP OF NEPTUNE**ORDINANCE 22-55****AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER IV, SECTION 4-3
ENTITLED "GENERAL REQUIREMENTS FOR MERCANTILE REGISTRATION"**

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the Neptune Township Code of Ordinances, Volume I, Chapter IV, Section §4-3, Entitled "General Requirements For Mercantile Registration" is amended as follows:

SECTION 1.

§4-3 General Requirements for Mercantile Registration

§4-3.12 Business Insurance Registry

- a. The owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.
- b. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.
- c. The Owner of a business, owner of a rental unit or units, and the owner of a multi-family home of four or fewer units, one of which is owner occupied, shall annually register the certificate of insurance demonstrating compliance with the noted insurance requirements with the application for Mercantile Registration.

SECTION 2.

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 3.

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

SECTION 4.

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 5.

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

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-517**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE AUTHORIZING
THE DISCUSSION OF MATTERS IN A CLOSED SESSION PURSUANT TO THE STATUTORY EXCLUSIONS
OF N.J.S.A. 10:4-12**

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,

WHEREAS, the matters to be discussed relate to a statutorily excluded topic pursuant N.J.S.A 10:4-12(b) 1-9, specifically:

- Attorney- client privilege;
- X Employment and personnel;
- Imposition of civil penalty;
- Investigation;
- Leasing or acquisition of property;
- X Pending or anticipated litigation;
- Privacy;
- Public Safety;
- Educational matter;
- Contract Negotiation

Description of matter:

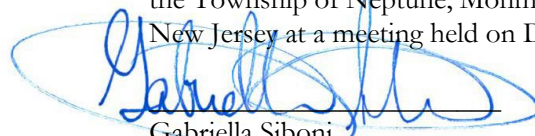
1. Personnel
 - o Hires
2. Attorney Client Privilege
 - o Update on Litigation

WHEREAS, this may be disclosed to the public at a time when the necessity for confidentiality no longer exists, or within six months or less from the date hereof.

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

1. That the Township Committee shall retire into executive session where the public shall be excluded and where said matters shall be discussed.
2. That the Township Committee shall reconvene in public session upon conclusions of the discussions.
3. That the minutes of this executive session shall be closed from public inspection and shall so remain until the reason for confidentiality ceases to exist, or upon formal action by the Township Committee at an official meeting.

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on December 12, 2022


Gabriella Siboni
Township Clerk

TOWNSHIP OF NEPTUNE

RESOLUTION 22-518

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
ACCEPTING RESIGNATIONS**

WHEREAS, the Human Resources Director has received notification from employee(s) that they will be resigning their position; and

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation(s) of noted below are hereby accepted; and,

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>DATE OF NOTIFICATION</u>	<u>EFFECTIVE DATE OF RESIGNATION</u>
Vincent Galdieri	Police Department	SLEO II	11/22/2022	11/22/2022
Joshua Jenkins	Police Department	Police Officer	11/15/2022	11/22/2022
Michael Dunaj	Public Works	Driver	N/A	11/17/2022

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the respective departments, Business Administrator and Human Resources Director.

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING THE CANCELLATION AND REFUNDS OF CERTAIN FEES AND PAYMENTS- CODE
AND CONSTRUCTION**

WHEREAS, the Director of Code and Construction has requested the cancellation and refunds of certain fees and payments listed below,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Harbor Master be and hereby is authorized to cancel and refund certain marina fees and payments as stated herein; and,

Property Owner	Address	Block	Lot	Amount	Reason	Refund Payable to:
James Yack	303 Oxford	1615	11	\$136.50	No permit was required	A.J. Perri 1162 Pine Brook Rd. Tinton Falls, NJ 07724

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

TOWNSHIP OF NEPTUNE

RESOLUTION 22-520

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING CERTAIN PERSONNEL ACTIONS- RECLASSIFICATION**

WHEREAS, the following re-classifications have been reviewed by the Department Heads of the respective Departments; and

WHEREAS, the Human Resources Director in consultation with the Township Administrator and the Department Heads involved have recommended the Reclassification of the following individuals; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that the following personnel actions be and are hereby authorized on the effective date included herein.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>Previous POSITION</u>	<u>Reclassification</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
Douglas Johnson	Public Works	Full-Time Custodian	Part Time Custodian	\$18.61/hr	12/5/2022

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on December 12, 2022

Gabriella Siboni
Township Clerk

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for the above noted personnel actions.

Account Name

Account Number

Michael Bascom, Chief Financial Officer

Date

TOWNSHIP OF NEPTUNE

RESOLUTION 22-521

**A RESOLUTION AUTHORIZING THE CANCELLATION OF THE UNEXPENDED
BALANCE OF VARIOUS ORDINANCES**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed or no longer required; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled; and

WHEREAS, there are grant and other receivables related to these cancellations, and as such, the finance department is authorized to cancel all associated receivables;

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the unexpended and dedicated balances of General, Sewer and Marina Capital Appropriations and associated receivables be canceled:

Ordinance

General

Ordinance 13-28	Ped/ Bicycle	\$47,303.03
Ordinance 15-40	Imp Sunshine	\$6,280.54
Ordinance 16-27	Sct. II	\$1,179.76
Ordinance 16-27	Sct. IV	\$251.81
Ordinance 16-27	Sct V	\$25,335.46
Ordinance 17-36	SRS Dr Acq	\$20,429.11
Ordinance 17-21	Rd Improv	\$525.06
Ordinance 18-11	Heck Ave.	\$34,970.16
Ordinance 19-27	Oxonia Ave	\$28,028.11
Ordinance 19-29	Var Drainage	\$2,468.38

Sewer

Ordinance 17-19	Var Sewer Imp	\$1,265.00
Ordinance 18-07	Imp Heck & Tremont	\$114,602.77
Ordinance 19-31	DPW Fac Imp	\$67.50

Marina

Ordinance 16-29	Marina Site Remed	\$1,031.97
-----------------	-------------------	------------

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

TOWNSHIP OF NEPTUNE

RESOLUTION 22-522

**A RESOLUTION AUTHORIZING THE CANCELLATION OF VARIOUS RESERVES IN THE
GENERAL CAPITAL FUND**

WHEREAS, Certain General Capital fund general ledger reserves remain for which purpose is no longer required, and

WHEREAS, It is necessary to formally cancel unused reserves for which purposes are no longer required and balances may be returned to the General Capital Fund Balance;

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Mayor and Council of the Township of Neptune that the following General Capital reserve balance be canceled:

<u>General Capital Fund Reserve Cancellations</u>	Amount
Reserve for Main Ave.	\$1,000.00

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

TOWNSHIP OF NEPTUNE

RESOLUTION 22-523

A RESOLUTION AUTHORIZING THE CANCELLATION OF GRANT RECEIVABLES AND GRANT RESERVES

WHEREAS, certain Grant Receivables and Grant Reserve balances remain open for projects that were completed for less than the anticipated grant amount and/or for which the funding will not be received; and,

WHEREAS, it is necessary to formally cancel said balances,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the following grant receivables and grant reserves be and hereby authorized to be cancelled:

GRANT NAME	APPROPRIATION CANCELLED	RECEIVABLE CANCELLED	OPERATIONS
<u>Current Fund</u>			
Sandy/Commun Resiliency Island	\$18,025.00	\$0.00	\$18,025.00
Municipal Alliance	\$55,820.00	\$55,280.00	\$0.00
Snr Center-Older American Act	\$45,546.00	\$45,546.00	\$0.00

GRANT NAME	RECEIVABLE CANCELLED	DEFERRED CHGS UNFUNDED
Ord 17-20/18-23 Bradley Beach/ Fletcher	\$3,878.08	\$3,878.08
Ord 17-36 NJDEP Green Acres	\$15,064.50	\$15,064.50

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

TOWNSHIP OF NEPTUNE

RESOLUTION 22-524

ESTABLISH ANNUAL COMPENSATION FOR FIRE COMMISSIONERS

WHEREAS, N.J.S.A. 40A:14-88 requires the municipal governing body to review and approve annual compensation for fire district commissioners regarding of whether the amount of compensation is being modified; and,

WHEREAS, the Board of Fire Commissioners desires to establish annual compensation for 2023 at the said amount that has been in effect for the last twenty plus years,

THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioners of Neptune Township Fire District #2 that the annual compensation for the year 2023 for the Commissioners of the Fire District shall be set at \$2,500.00 for the Chairperson and \$2,000.00 for each of the other four Commissioners; and,

BE IT FURTHER RESOLVED, that the District Clerk be and is hereby directed to transmit a copy of this resolution to the Neptune Township Committee for review and approval of said compensation.

TOWNSHIP OF NEPTUNE

RESOLUTION 22-525

**AUTHORIZE EXECUTION OF AN EXTENSION FOR TREATMENT WORKS
APPLICATION FOR PROPOSED HILTON HOTEL AT ROUTE 66 AND MCNAMARA WAY
PREVIOUSLY APPROVED BY RESOLUTION 19-209**

WHEREAS, on May 13, 2019, the Township Committee of the Township of Neptune authorized resolution 19-209 “Authorize Execution Of A Treatment Works Application For Proposed Hilton Hotel At Route 66 And McNamara Way”, and;

WHEREAS, Hilton Home2Suites Hotel has submitted a Treatment Works Application to connect into an existing sanitary sewer line and construct an onsite pump station to service a 87 room hotel at Route 66 and McNamara Way with a proposed flow of 6,525 gallons per day; and,

WHEREAS, the Township Engineer has reviewed said application and has certified that available capacity exists,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Clerk to execute the Extension to the Treatment Works Application Statement of Consent for the sanitary sewer capacity to service the Hilton Home2Suites Hotel at Route 66 and McNamara Way; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to TNSA along with the executed Treatment Works Application.

TOWNSHIP OF NEPTUNE

RESOLUTION 22-526

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
TO ESTABLISH A COMMODITY RESALE SYSTEM AND TO ENTER INTO COMMODITY
RESALE AGREEMENTS WITH OTHER CONTRACTING UNITS**

WHEREAS, N.J.A.C 5:34-7.15 authorizes contracting units to establish a Commodity Resale System;
and,

WHEREAS, the Township of Neptune, County of Monmouth, State of New Jersey is desirous of
establishing a Commodity Resale System for the resale of Gasoline and Diesel Fuel; and,

WHEREAS, the Township of Neptune has agreed to serve as the Lead Agency for a Commodity
Resale System with:

- Borough of Bradley Beach
- Neptune Township Fire District
- Neptune Township Board of Education
- Township of Neptune Housing Authority
- Township of Neptune Sewer Authority
- Ocean Grove Fire Department
- Monmouth County Vocational School

NOW, THEREFORE, BE IT RESOLVED, on the 12th day of December, 2022, by the Township
of Neptune, County of Monmouth, State of New Jersey, as follows:

1. The Township of Neptune hereby authorizes the creation of a Commodity Resale System to be
known as the Neptune Township Gasoline and Diesel Fuel Resale System with the Township of
Neptune serving as the Lead Agency
2. All Township officials, including, but not limited to, the Mayor, Business Administrator, and
Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary
to effectuate the provisions of this resolution.
3. A single certified copy of this resolution along with (1) copy of the Agreement for Resale of Gasoline
and Diesel Fuel and a copy of the Request for Registration or Modification of a Commodity Resale
System Form (Cooperative Purchasing Form CP-2060) shall be forwarded to the Director of the
Division of Local Government Services within the State Department of Community Affairs.
4. This resolution shall take effect immediately upon passage.

TOWNSHIP OF NEPTUNE

RESOLUTION 22-527

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING EXTENSION OF SHARED SERVICES AGREEMENT WITH THE
BOROUGH OF NEPTUNE CITY FOR EMERGENCY MEDICAL SERVICES**

WHEREAS, the Township Committee authorized a shared service agreement with Neptune City for Emergency Medical Services by resolution 21-434; and,

WHEREAS, the Township of Neptune (the "Township") and the Borough of Neptune City (the "Borough") entered into a Shared Services Agreement (the "Agreement") for the provision of Emergency Medical Services for a term on one (1) year commencing January 1, 2021 and ending December 31, 2021, which permitted extensions for a period of five (5) years; and

WHEREAS, it is the intent of the Township and the Borough to extend said Agreement for a term of one (1) year commencing on January 1, 2023 and ending on December 31, 2023; and

WHEREAS, N.J.S.A. 40:8A-1 et seq. permits entering into a Shared Services Agreement; and

WHEREAS, the fee for the provision of Emergency Medical Services to the Borough of Neptune City shall be \$5,899.73 per month.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune that:

1. The Township of Neptune hereby enter into a Shared Service Agreement with the Borough of Neptune City as per the provisions of the agreement on file of the Office of the Clerk.
2. All Township officials, including, but not limited to, the Mayor, Business Administrator, and Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.
3. That a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, and Qualified Purchasing Agent

TOWNSHIP OF NEPTUNE

RESOLUTION 22-528

**RESOLUTION AUTHORIZING EXECUTION OF THE SIDE BAR AGREEMENT WITH
AFSCME LOCAL #2792**

WHEREAS, the Township of Neptune wishes to authorize the a side bar agreement with AFSCME Local #2792; and

WHEREAS, the Township and AFSCME Local #2792 have met to discuss restoring position of “Laborer” to the Collective Negotiation Agreement and have memorialized those terms in this side bar agreement; and

Now, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that:

1. The side bar agreement for AFSCME Local #2792 is hereby approved.
2. All Township officials, including, but not limited to, the Mayor, Business Administrator, and Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.
3. That a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, and Human Resources Director.

TOWNSHIP OF NEPTUNE

RESOLUTION #22-529

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:

December 12, 2022 Bill List

Current Fund	\$594,810.78
Grant Fund	\$5,574.25
Trust Other	\$47,205.97
General Capital	\$511,988.26
Sewer Operating Fund	\$36,806.56
Sewer Capital Fund	\$458,702.08
Marina Operating Fund	\$2,637.92
Marina Capital Fund	\$171,670.00
Dog Trust	\$7,125.00

Bill List Total **\$1,836,520.82**

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

TOWNSHIP OF NEPTUNE

RESOLUTION 22-530

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING CERTAIN PERSONNEL ACTIONS- CODE AND CONSTRUCTION**

WHEREAS, the following appointments have been reviewed by the Department Heads of the respective Departments; and

WHEREAS, the Human Resources Director in consultation with the Township Administrator and the Department Heads involved have recommended the appointments of the following individuals; and

WHEREAS, the Township Administrator concurs with the findings of the Department Head and hereby recommends to the Township Committee that the following appointments be made.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that the following personnel actions be and are hereby authorized on the effective date included herein.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
	Code and Construction	Customer Service Representative		12/21/2022
	Code and Construction	Customer Service Representative		12/21/2022

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on December 12, 2022

Gabriella Siboni
Township Clerk

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for the above noted personnel actions.

Account Name

Account Number

Michael Bascom, Chief Financial Officer

Date