

TOWNSHIP COMMITTEE MEETING – AUGUST 14, 2017

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

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

Mayor Brantley announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press on January 5, 2017 and The Coaster on January 12, 2017, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The following items were discussed in open session:

Mr. Gadaleta discussed the Microgrid grant that was received by the Township. The Board of Public Utilities provides funding to perform studies to create stand-alone energy plants in an area to improve resiliency and impact on the electric grid. A Town Center analysis was done and initially the Township was not included. However, because multiple schools, the hospital and the municipal building are all in the same area, the Township was allowed to apply for the grant. The Township's application received the highest rating. On August 18<sup>th</sup>, the BPU will hold a press conference in the municipal parking lot to announce the project. The Township is preparing a Request for Proposals for an engineer to perform the study. The study will take 12 months to complete. If the study shows that a microgrid makes sense, the BPU will provide funds to do the design. The study will also address energy usage and potential savings.

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

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

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

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

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

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

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

- Contract negotiations – Property & Casualty/workers comp insurance
- Potential Litigation – Shark River dredging
- Contract negotiations – Redevelopment attorney
- Potential Litigation – Police Ordinance and Police Committee.

3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.

4. This Resolution shall take effect immediately.

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

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

Mr. Gadaleta will notify the Garden State Insurance Fund that the Township will be shopping for pricing on the Township's property and casualty and workers compensation insurance. The Township's contract with Garden State expires at the end of the year. The Committee also indicated that will only accept first proposals from firms so each firms should be instructed to submit their best proposal.

The Committee indicated that after discussions with the two finalists for Redevelopment Attorney, they desire to appoint Maraziti Falcon, LLP. Action was taken by resolution during the regular business portion of the meeting.

Mr. Anthony submitted an amendment to the Police ordinance based on an objection from the New Jersey Chiefs of Police Association. The amendment includes clarification to say that the 3<sup>rd</sup> person cannot be an active Neptune Township police officer and that a retired member of the Department must have retired in good standing.

Mr. Anthony stated that when the Fabio Court subdivision was approved in the 1960s, it was clear that it is a private road and that no municipal services were to be provided. Mr. Anthony provided written correspondence to the property owners on the road and the owner of the road and no one contacted him. Action was taken by resolution during the regular business portion of the meeting.

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

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

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

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

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

Mayor Brantley announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press on January 5, 2017 and The Coaster on January 12, 2017, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at [www.neptunetownship.org](http://www.neptunetownship.org).

#### APPROVAL OF MINUTES

Mr. Williams offered a motion, seconded by Ms. Rizzo, to approve the minutes of the meetings held on July 10<sup>th</sup> and July 24<sup>th</sup>. All were in favor.

#### REPORT OF THE CLERK

The Clerk stated that the following reports and communications are on file in his office:

Letter from Richard Steiner thanking the Public Works Department staff for picking up debris and brush from the front curb of his home as part of a World Changers project.

Letter of thanks to the Township Committee from Barry Johnson for the Township's continued support of Jersey Shore Addiction Services Health Care.

#### COMMENTS FROM THE DAIS

Mr. McMillan attended National Night Out on August 1<sup>st</sup> and gave out bicycles and helmets. He thanked the Police Department and the sponsors of the event. He attended the forum with the Shark River Hills Property Owners Association where the living shoreline was discussed. He thanked Leanne Hoffmann for the Division Street park and advised that a portion of the fence needs repair in order to fully enclose the park.

Mr. Lane attended the flood mitigation project meeting with the Shark River Hills Property Owners Association. He helped present a proclamation to Bishop Paul Brown at the ceremony to designate him as a Bishop. He attended National Night Out with Mr. McMillan which had fire trucks, a rock climbing wall and giveaways. He attended MURC's Music in the Park and the band was great. He met Sheila Oliver, Democratic candidate for Lt. Governor, at a block party held in midtown. He attended the pancake breakfast sponsored by West Grove Church.

Ms. Rizzo attended the Exploring our Differences event sponsored by MURCK at the Martin Luther King Church. She met with the Ocean Grove Camp Meeting Association, area realtors and the Ocean Grove Chamber of Commerce to discuss permit parking in Ocean Grove. The library is introducing Maker Space to allow for the use of thirty printers and robotics. John Bonney, Library Director, did a great job putting this together. She asked all to come out in September to see it. The events in Charlottesville was a wake-up call. She is tired of the rhetoric from Washington. On August 16<sup>th</sup> there will be a Community Unity Walk and rally and bigotry and racism.

Mr. Williams stated that the marina is 98% full and is waiting on the electrical installation for the security camera system. He met with Dr. Crader, Superintendent of Schools and Board of Education members to discuss possible joint projects. There will be some new ideas instituted between the Township and Board of Education. One of the things that he kept hearing mentioned during the campaign last year was the need for a skate park. A location has been found in Sunshine Park and the Township is using grants to pay for a portion of the park. This is a great way to provide more recreation.

The Mayor enjoyed the celebration of Bishop Brown and the retirement party for a teacher of 39 years. He met with the Board of Education and the Township will be partnering with the Board on some exciting new things in the future.

### PUBLIC HEARING – APPLICATION TO MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

Leanne Hoffmann, Township Engineer, stated that this is an application to the Monmouth County Open Space Program for the annual funding round. The Township has a successful history of obtaining grants through this program and the County has indicated that the Township always has a good project and completes the projects that have been funded. In the past, the Township has acquired funds through this Program for Welsh Farms property acquisition, Wesley Lake wall repairs, improvements at various parks, Jumping Brook ballfields improvements, Sunshine Fields track improvements and Loffredo Fields improvements. This year, the Township considered a spray park, dog park, and acquisition of property. Ultimately, it was decided to pursue funding for a 6000 square foot skate park located at Sunshine Fields. This is an ideal location for such a park. The park will be all concrete and require minimal maintenance. There is a wide community of residents that have a need for such a facility. The cost estimate for the project is \$466,440 and the maximum grant funding is \$250,000. The project would include grading; construction of the park, including a bowl, rails and steps; fencing; landscaping; and sidewalks. The park would be designed for the novice to intermediate skateboarding.

The Mayor stated that it will be great to have a place to skate and protect other parks from damage that are not designed for skateboarding.

The Mayor requested public comments on the grant application and comments were as follows:

Carrie Turner, former Madison Marquette General Manager of the Asbury Park boardwalk, stated that in 2016, Madison Marquette partnered with Red Bull to build a skate park in the old carousel building. Both children and adults use the park and it has been a great addition. She lent her support to the concept.

Michael Golub 305 Cliffwood Drive, stated that he supports the concept. He is aware of a skate park in Florida that helped stem gang activity and violence. There is etiquette found at skate parks and the park weaves into everyday thinking. He credited the Township Committee for this idea and stated it will be good for both kids and adults. He suggested the addition of video surveillance.

Dianna Harris, 17 Willow Drive, stated that she is happy with the project, it is needed and is in a place where it will be enjoyed.

Dorothy Argyros, 2100 Rutherford Drive, stated that this project sounds good but we are among the highest taxed people in the country. She asked what the project will cost her. Ms. Rizzo stated that it is a \$466,440 project of which \$250,000 will be in the form of this grant. Mr. Williams added that there are other grants available for skate parks. Ms. Argyros stated that she needs to know more about the cost.

Dr. Jim Brown, 107 Lakewood Road, stated that this is a wonderful idea. He has four kids and research shows that a skate park gives kids something to do and is self-policing. He offered his assistance in obtaining grants.

Anita Stevenson, 718 Wayside Road, stated that the skate park is a good idea, but the traffic on Wayside Road is bad and a traffic light is needed at West Bangs and Wayside Road. The Township needs to look at where the kids are coming from and make sure it is safe. She also asked the Committee to consider additional signage to the park and the addition of a bathroom.

Dr. Jim Chenitz, South Riverside Drive, asked how this will impact the Township's liability insurance. Mr. Gadaleta stated that the Township's insurance fund insures skate parks throughout their Fund participants.

#### AUTHORIZE APPLICATION TO THE MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

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

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and,

WHEREAS, the Governing Body of the Township of Neptune desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund the project known as "Skatepark at Sunshine Fields" located at 10 Pine Drive, also known as Block 1807, Lot 2; and,

WHEREAS, the total cost of the project including all matching funds is \$466,444.00; and,

WHEREAS, the Township of Neptune is the owner of and controls the project site,

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

1. Michael J. Bascom, Chief Financial Officer, or his successor, is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Township of Neptune is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Michael J. Bascom, Chief Financial Officer, or his successor, is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

The resolution was adopted on the following vote: Lane, aye; McMillan, aye; Rizzo, aye; Williams, aye, adding his thanks to our friends in Asbury Park for assisting with this project; and Brantley, aye, adding his thanks to the Township Committee for being involved in this matter.

#### PUBLIC COMMENTS ON RESOLUTIONS

Nancy Clarke, 47 Embury Avenue, stated that is no job description, duties or qualifications for members of the Police Committee and the ordinance creating the Committee seems vague. Mr. Anthony stated state statute does not set forth duties. It only cites the Appropriate Authority which has oversight of the Police Department.

Michael Golub, Cliffwood Drive, asked how can the Township Committee members who are

being appointed to the Police Committee discharge their duties and discuss police operation given all of the lawsuits happening. Mr. Anthony stated they will do it in the same manner as before Mike Bascom was Police Director. Mr. Golub stated that the people are being sued and are Defendants in litigation so how can they discuss police matters. Mr. Anthony stated there is no conflict. Mr. Golub stated that he approves with what is being done and the 3<sup>rd</sup> person on the Committee will be very important to bring credibility to the Police Committee.

Mary Jane Dodd, 64 South Riverside Drive, asked if training is available to the members of the Police Committee. Mr. Anthony stated that the League of Municipalities has training and seminars. Each Township Committee member has to learn about the departments that they provide oversight.

Joan Venezia, 107 Mt. Hermon Way, asked if there is a deadline for the appointment of the third person to the Police Committee. Mr. Anthony stated that there was not, but the Committee is working on it.

Hank Coakley, Valley Road, asked what caused the change to Fabio Court. Mr. Anthony stated Fabio Court was subdivided in 1965 with a driveway to service the lots. It is clear in the resolution that no service or maintenance is to be done on the driveway, but at some point the Township starting providing services which cannot be done to private entities.

Dorothy Argyros, 2100 Rutherford Avenue, stated that the Township needs to get money can from Fabio Court residents for the work that done to a private road. Mr. Anthony stated the road is in an estate so it would be difficult to get reimbursement, but that is a policy decision of the Township Committee. She said the 3<sup>rd</sup> person of the Police Committee will have to be a saint because everyone else kept Seidle on the force, there was a death in a jail cell and the Township paid off big settlements. The Township Committee is leaving the same people in charge.

Scott Fields, 4 Fabio Court, stated that he has lived at this address for 19 years and did not know that trash removal and snow plowing is not included on Fabio Court. The Township should not stop the services because he pays the same amount of property taxes. He asked the Committee to look at the matter further and that the issue is more of a concern between the Bataglia family and the Township.

Sharef Faldee, owner of 5 Fabio Court, stated that we all just discovered that Fabio Court is owned by a private citizen. The Planning Board should have requested a homeowners association. His assessment is the same as other homes. The Township provided services so they are part of the problem.

Jack Bredin, 94 1/1 Heck Avenue, stated that in the 1980s, the Township took over the streets in Ocean Grove. The Township can acquire Fabio Court through eminent domain. Mr. Anthony stated that was an option but it would be costly because the road does not meet roadway specifications.

Michael Fornino, 120 Fulham Place, in regards to the appointments to the Police Committee, stated that the Township Committee lets its professionals handle everything. All this does is create another level of politics and now there are three people accountable instead of just one person. The Mayor stated the Township Committee has always been accountable and the Police Chief will continue to run the Department.

Sandra Sollee, Birdsall Road, Farmingdale, stated that you need road frontage to have a legal building lot. The Township should take over Fabio Court. She asked what the Police Director did. Mr. Williams stated the Appropriate Authority is now the Police Committee. The Committee does not run the day to day operations of the Police Department. Instead of the entire Township Committee serving as the Appropriate Authority, the Committee created a three member Police Committee. The Police Chief runs the Department.

Dr. Jim Chenitz, South Riverside Drive, asked about public services on Fabio Court. Mr. Anthony stated that any type of in-kind service by a municipality on private property is illegal. Dr. Chenitz asked if the post office delivering mail is illegal. Mr. Anthony responded that he did not know. Dr. Chenitz said the Township is taking five citizens and hanging them out to dry. The Township should do something to help and take a vested interest in the people in this community. Mr. Anthony stated that he reached out to each property owner on Fabio Court and received no response until this week.

Tom Healy, 355 South Riverside Drive, asked for the procedure if his property taxes are overpaid. Mr. Cuttrell advised to contact the Tax Collection Office.

Frank Galey, 5 Fabio Court, stated he shovels his driveway and has curbing. He was not aware there was a vote tonight to discontinue services on Fabio Court. Mr. Anthony said Mr. Galey's Attorney never got back to him. The Mayor stated the Township cannot continue to do something that is illegal. Mr. Galey stated he pays the same amount of taxes and asked for the resolution to be tabled until next meeting. Mr. Anthony reached out to his attorney and the attorney never called back. Mr. Anthony sent three letters out to each property owner and got no response and two letters to his attorney with no response. The Mayor stated that passing this resolution makes you have to set up a meeting to work something out, but the Township cannot continue doing something illegal.

Valerie Annerate, 69 South Riverside Drive, asked who will be responsible if there is a medical emergency and there is snow on the ground on Fabio Court. Mr. Anthony stated it is the same situation as any other driveway in the Township.

Linda Maxwell, 88 Inskip Avenue, stated it does not seem as though the Township tried hard to contact Mr. Bataglia regarding Fabio Court. Mr. Anthony stated that he sent certified mail and spoke to his son who is a lawyer in Philadelphia. Ms. Maxwell stated that Bataglia, Jr. lives in Tinton Falls and can be easily found.

Arlene Sciarappa, Shark River Clean Up Coalition, thanked the Committee for moving forward the dewatering site on Seaview Island and noted that it is important for the river to be dredged. She suggested that the material could be used to help with erosion problems on Seaview Island.

Byron Wilson, 610 Bingham Street, asked who pays for legal counsel in regards to the resolution authorizing legal representation for punitive damages. Mr. Gadaleta replied insurance fund premiums. Mr. Wilson stated that the 3<sup>rd</sup> person on the Police Committee should be a Neptune Township taxpayer.

#### ORDINANCE NO. 17-30 - ADOPTED

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

#### ORDINANCE NO. 17-30

AN ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF NEPTUNE, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2017 (NEPTUNE TOWNSHIP PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

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

Sandra Sollee, Birdsall Road, Farmingdale, asked how many police cars will be purchased and what is the useful life. Mr. Gadaleta stated seven cars with a useful life of three years.

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

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

#### ORDINANCE NO. 17-31 - ADOPTED

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

#### ORDINANCE NO. 17-31

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

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

he closed the public hearing.

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

ORDINANCE NO. 17-32 - ADOPTED

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

ORDINANCE NO. 17-32

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 (POLICE VEHICLES)

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

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

ORDINANCE NO. 17-33 - APPROVED

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

ORDINANCE NO. 17-33

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON ABBOTT AVENUE AND MAIN AVENUE AND REMOVING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON MT. TABOR WAY

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

ORDINANCE NO. 17-34 - APPROVED

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

ORDINANCE NO. 17-34

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO ADD A PARKING TIME LIMITATION ZONE TO A PORTION OF SEVENTH AVENUE

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

ORDINANCE NO. 17-35 - APPROVED

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

ORDINANCE NO. 17-35

BOND ORDINANCE PROVIDING FOR THE SOUTH RIVERSIDE DRIVE FLOOD MITIGATION PROJECT, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,200,000 THEREFOR (INCLUSIVE OF A \$835,529.25 FEMA GRANT) AND AUTHORIZING THE ISSUANCE OF \$346,245.75 BONDS OR

NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST  
THEREOF

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

ORDINANCE NO. 17-36 - APPROVED

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

ORDINANCE NO. 17-36

BOND ORDINANCE PROVIDING FOR ACQUISITION OF GREEN ACRES PROPERTY LOCATED ON SOUTH RIVERSIDE DRIVE, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,280,000 THEREFOR (INCLUDING \$960,000 NJDEP GREEN ACRES AND \$127,500 MONMOUTH CONSERVATION FUND GRANTS) AND AUTHORIZING THE ISSUANCE OF \$192,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

ORDINANCE NO. 17-37 - APPROVED

Mr. Williams offered the following ordinance, moved and seconded by Ms. Rizzo, that it be approved:

ORDINANCE NO. 17-37

AN ORDINANCE TO AMEND CHAPTER II OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF NEPTUNE, ARTICLE II, SECTION 2-10.1 ENTITLED, "POLICE DEPARTMENT," "DEPARTMENT ESTABLISHED"

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

Mr. Cuttrell stated that the public hearings on Ordinances 17-33 through 17-37 will be held on Monday, September 11th.

CONSENT AGENDA

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

AUTHORIZE TEMPORARY NO PARKING IN CONNECTION WITH THE HISTORICAL SOCIETY OF OCEAN GROVE POSTCARD AND ANTIQUE SHOW

WHEREAS, the Historical Society of Ocean Grove has scheduled their annual Post Card, Antique and Collectables Show on Saturday, August 19, 2017, in the Auditorium-Pavilion area in Ocean Grove; and,

WHEREAS, it is necessary to designate a no parking zone on a small portion of Central Avenue to allow dealers to unload materials; and,

WHEREAS, the Police Department has reviewed and approved this no parking zone,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets from 9:00 P.M. on Friday, August 18, 2017 until 11:00 A.M. on Saturday, August 19, 2017:

- 1) West side of Central Avenue between Bethany Block and the eastbound side of Ocean Pathway



2) East side of Central Avenue between the eastbound side of Ocean Pathway and the westbound side of Ocean Pathway; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Director of Public Works, and Historical Society of Ocean Grove.

APPROVE THE FORM AND AUTHORIZE 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 2017 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 2017 (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 2017, 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 2017 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 2017 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.

PLACE LIEN ON 229 DRUMMOND AVENUE

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

WHEREAS, the Code Enforcement Supervisor 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 Code Enforcement Supervisor 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>
612/1	229 Drummond Avenue	926.00

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

RESOLUTION CONCERNING ALCOHOLIC BEVERAGE CLUB LICENSE 1334-31-031-001 FOR VFW O'BRIEN-MAJOR POST 2639; 1515 CORLIES AVENUE

WHEREAS, the annual Club License for the consumption of alcoholic beverages for the VFW O'Brien- Major Post 2639, located at 1515 Corlies Avenue, Neptune Township, New Jersey terminated June 30, 2017; and

WHEREAS, as of the date of this Resolution, a new application, payment of the application fee and proof of payment of all taxes have not been submitted as a complete application by the VFW O'Brien-Major Post 2639 (hereinafter referred to as "VFW"); and

WHEREAS, the Township has been advised by the Division of Alcoholic Beverage Control (hereinafter referred to as ABC) that a hearing was scheduled before the ABC involving the VFW in May, 2017, but the VFW did not appear at the aforesaid hearing, but requested an adjournment, which was granted until July 25, 2017, and once again, no representative of the VFW appeared before the ABC at the July 25, 2017 hearing concerning violations of ABC rules and non-payment of taxes; and

WHEREAS, Neptune Township had a hearing with regard to the Club License in 2016 whereby there was testimony from Chief James Hunt and Sgt. Paul Monahan, who is certified as the Township's ABC Compliance Officer, testifying as to numerous incidents occurring at the VFW between 2013 through 2016, involving violation of ABC Rules; disorderly persons offenses and violence in general, along with testimony from Donald Braxton, VFW Incoming Commander; Norman James, VFW Senior Vice-Commander and Deborah Jones, VFW Quartermaster; resulting in a determination by the Mayor and Township Committee that no Club License should be renewed to the VFW either an annual license or a temporary license until certain conditions were satisfied and met the complete satisfaction of the Neptune Township Police Department and the governing body of Neptune Township; all of which was formalized by Resolution on July 25, 2016; and

WHEREAS, it has become apparent, and indeed, the Township was advised by attorney, Peter Falvo, Esq., representing a potential buyer of the VFW building and property, that the VFW is no longer in operation and the building is subject to sale, and there has been no attempt by the VFW or any successors or assigns to satisfy the conditions of the Township's Resolution of July 25, 2016, to appear before ABC scheduled hearings, or to contact Neptune Township concerning renewal of its suspended ABC License.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Township Committee hereby concludes and declares that the Club License #1334-31-031-001 previously held by O'Brien-Major VFW Post #2639, which was not renewed in 2016 or in 2017 is no longer a valid license, since the O'Brien-Major VFW Post #2639 is no longer in operation, and has not been in operation for at least a year, and therefore, the license for the aforesaid VFW is hereby terminated; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the last known Commander of the VFW O'Brien-Major Post 2639 at its last known address, as well as the Division of Alcoholic Beverage Control.

AUTHORIZE DISCONTINUANCE OF MOST MUNICIPAL SERVICES FOR FABIO COURT CONSISTING OF BLOCK 2201, LOTS 7, 8, 9, 12 AND 13

WHEREAS, it was determined by the Township Committee through investigation undertaken by the Township Administrator and the Township Attorney, that basic municipal services have been improperly provided for many years to residences on Fabio Court, due to the fact that Fabio Court is basically a private driveway for four to five residences located at Block 2201, Lots 7, 8, 9, 12 and 13; and

WHEREAS, it was determined that the aforesaid tract, originally owned by the Fabio Battaglia family, was granted a subdivision by the Planning Board of Neptune Township on June 20, 1963 to create five lots and one large parcel, and that the Planning Board's Resolution specifically indicated that the subdivision map be marked, "Private Road" with the inscription, "Private Roads receive no municipal services other than police and fire protection." The same was adopted by the Planning Board; and

WHEREAS, nevertheless, despite this decision of the Planning Board, sometime over the years, residences and private owners that purchased the individual lots on One Fabio Court; Three Fabio Court; Four Fabio Court and Five Fabio Court, with private driveway merely identified as Fabio Court and presently owned by the Estate of Fabio Battaglia have been incorrectly receiving municipal services; and

WHEREAS, the New Jersey Constitution, Article VIII, Section III, Paragraphs 2 and 3 of the New Jersey Criminal Statutes under N.J.S.A. 2C:21-15 and N.J.S.A. 2C:30-2 prohibit public entities in providing public monies for in-kind contributions to private owners and entities, and that continued municipal services other than fire, police and first aid would be considered such services and must be discontinued and paid for in some fashion by the property owners; and

WHEREAS, attempts were made, which were authorized by the Township Committee, to contact all property owners on Fabio Court by letter, sent by Certified Mail/RRR and regular mail on March 20, 2017, and again by letter of April 20, 2017, also sent by Certified Mail/RRR, attempting to meet with the aforesaid property owners to address the aforesaid problem and reach some sort of legal accommodation. However, none of the property owners responded to the aforesaid letters, except for 21 Holdings, LLC, who did meet with the Township representatives, but then did not follow up on discussions with regard to the issues related to Fabio Court.

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 shall cease all municipal services to Fabio Court and the residences on Fabio Court, including but not limited to maintenance and repair of Fabio Court, the private driveway connecting all of the aforesaid residences; snowplowing or any type of cleaning of the aforesaid Fabio Court; and all garbage and recycling pickup on Fabio Court and curbside for the residences shall cease, and said residences and property owners shall be required to bring all garbage and recycling to the nearest public street for pickup, which is Wayside Road, without trespassing on private property owners off of Wayside Road; and

BE IT FURTHER RESOLVED, that the Township shall still provide emergency services, such as fire, police and first aid or EMS services, subject to such services being able to reach said properties on Fabio Court without interference, hindrance or danger of damage or injury caused by the lack of maintenance to Fabio Court by the private property owners.

SUPPORT THE "DRIVE SOBER OR GET PULLED OVER 2017 STATEWIDE CRACKDOWN"

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and,

WHEREAS, impaired driving crashes cost the United States almost \$45 billion a year; and,

WHEREAS, 29% of motor vehicle fatalities in New Jersey in 2014 were alcohol related; and,

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and,

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally

times of social gatherings which include alcohol; and,

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown*; and,

WHEREAS, the project will involve increased impaired driving enforcement from August 18 through September 4, 2017; and,

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares its support for the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown* from August 18 through September 4, 2017 and pledges to increase awareness of the dangers of drinking and driving; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Capt. Michael McGhee and Lt. Michael Zarro.

ACCEPT PERFORMANCE GUARANTEE FILED BY GVF CONSTRUCTION, LLC FOR SITE IMPROVEMENTS AT THE MINOR SUBDIVISION LOCATED AT 168 HILLSIDE DRIVE (BLOCK 4916, LOTS 1.01 & 1.02)

WHEREAS, GVF Construction, LLC has filed performance bond FP0023490, written by First Indemnity of America Insurance Company in the amount of \$29,440.80, guaranteeing site improvements at an approved minor subdivision located at 168 Hillside Drive (Block 4916, Lots 1.01 & 1.02); and,

WHEREAS, the required 10% cash surety and inspection fee escrow have been posted; and,

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Performance Guarantee as stated above be and is hereby accepted; and,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Township Engineer, Planning Board Administrative Officer, and Construction Official.

APPOINT REDEVELOPMENT ATTORNEY

WHEREAS, the Township of Neptune desires to appoint a Redevelopment Attorney through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, the Township accepted Requests for Proposals for said position on May 18, 2017 and desires to make an appointment from the proposals received; and,

WHEREAS, funds will be provided in the 2017 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a contract to engage the services of Maraziti Falcon, LLP, 150 John F. Kennedy Blvd., Short Hills, NJ, as Township Redevelopment Attorney, for the balance of the year 2017, at the terms as indicated in the Request for Proposals on file in the Office of the Municipal Clerk; and,

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

APPOINT TOWNSHIP COMMITTEE MEMBERS TO THE POLICE COMMITTEE

WHEREAS, the Township Committee adopted Ordinance No. 17-29, which creates a three member Police Committee; and,

WHEREAS, the three member Police Committee is comprised of two members of the Neptune Township Committee and a third non-Township Committee member; and,

WHEREAS, the Township Committee desires to appoint the two Township Committee members at this time,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby appoints Committeemen Nicholas Williams and Kevin B. McMillan to the Police Committee and to serve until the appointment of a successor; and,

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

ACCEPT THE RESIGNATION OF JORDAN LOIODICE AS A SPECIAL LAW ENFORCEMENT OFFICER – CLASS II

WHEREAS, the Chief of Police has received a letter from Jordan Loiodice resigning as a Special Law Enforcement Officer – Class II effective August 8, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Jordan Loiodice as a Special Law Enforcement Officer – Class II is hereby accepted effective August 8, 2017; and,

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

AUTHORIZE EXECUTION OF A TREATMENT WORKS APPLICATION FOR THE WAYSIDE ASSOCIATES RESIDENTIAL SITE PLAN ON WAYSIDE ROAD

WHEREAS, Wayside Associates, LLC has submitted a Treatment Works Application to extend sanitary sewer service through gravity and a pump station to service sixty-five (65) residential apartments on Wayside Road with a proposed flow of 12,300 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 Treatment Works Application Statement of Consent for the sanitary sewer extension to service the Wayside Associates major site plan on Wayside Road (Block 1006, Lots 14.01 & 16); and,

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

AUTHORIZE MUNICIPAL SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE AND SEAVIEW AT SHARK RIVER ISLAND HOMEOWNERS ASSOCIATION, INC.

WHEREAS, N.J.S.A. 40:67-23.3 entitled “Municipality to Reimburse Private Community for Services or Provide Services” requires that a municipality reimburse a qualified private community or provide the services with regards to the removal of snow, ice and other obstructions from certain roads and streets; providing lighting or reimbursement for lighting of roads and streets to the extent of payment for electricity required only and provide garbage, recyclable pick-up and street sweeping or reimbursement thereof and other services as set forth by statute; and

WHEREAS, N.J.S.A. 40:67-23.1 entitled “Road, Street Services” provides for such services and/or reimbursement of streets and roads at the municipality’s discretion in all cases; and

WHEREAS, The Seaview at Shark River Island Homeowners Association, Inc., is seeking municipal services and/or reimbursement pursuant to the Municipal Service Act; and

WHEREAS, pursuant to Municipal Service Act the municipality has undertaken negotiations and has prepared a Municipal Service Agreement to address all service issues under the Municipal Service Act.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Neptune, Monmouth County, New Jersey, that the governing body hereby authorizes

the Municipal Service Agreement, a true copy of which is attached hereto and made a part hereof as Exhibit "A" between the Township of Neptune and the Seaview at Shark River Island Homeowners Association, Inc., to address all obligations of the Municipal Service Act N.J.S.A. 40:67-23.2 et seq.

BE IT FURTHER RESOLVED that the governing body authorizes the Mayor and Clerk to execute the agreement negotiated and completed by the municipal attorney, a true copy of which is attached hereto and made a part hereof as Exhibit "A", subject to final approval and execution by the Seaview at Shark River Island Homeowners Association, Inc., and forward a fully executed Agreement and Resolution to the municipal attorney upon execution by Neptune Township for recording purposes in the Clerk's Office of Monmouth County, and forwarding to the attorney for the Seaview at Shark River Island Homeowners Association, Inc.

AUTHORIZE THE USE OF TOWNSHIP OWNED PROPERTY LOCATED AT BLOCK 5503, LOTS 18 & 19 (FORMERLY BLOCK 563, LOTS 1 & 2), ON SEAVIEW CIRCLE, AS A TEMPORARY DEWATERING SITE FOR MATERIALS DREDGED FROM THE SHARK RIVER CHANNELS

WHEREAS, the New Jersey Department of Transportation has indicated their willingness to seek a contract under the Public Contract Law for additional dredging of the Shark River Channels, subject to the use and consent of use of Township Property to dewater the materials dredged; and

WHEREAS, the recommended site is municipal owned property located at Block 5503, Lots 18 & 19 on Seaview Circle; and

WHEREAS, the authorized consent letter requested by the NJDEP/OMR is to allow a dredging plan between August 1, 2017 through June 1, 2018 in the Shark River (by adoption of Resolution #15-255 on June 8, 2015, the Township Committee granted this consent for the period from September 7, 2015 through December 31, 2016); and

WHEREAS, the contractor hired by the State will be required to return the site to the preexisting conditions as part of the NJDOT contract, and will protect the site under the supervision of the NJDOT during all activities,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorizes and consents to the use by NJDOT/OMR or its contractor, Block 5503, Lots 18 & 19 of Neptune Township (Seaview Circle), which is Neptune Township owned property, as a dewatering site based on the conditions and assurances set forth above; and,

BE IT FURTHER RESOLVED, that the Township Committee hereby authorizes the Mayor or Deputy Mayor to execute a letter of consent setting forth the aforesaid conditions and expectations of this Resolution, and to supply the Resolution along with the letter of consent to the New Jersey Department of Transportation/OMR.

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

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT MICHAEL J. BASCOM IN LAWSUITS FOR PUNITIVE DAMAGES

WHEREAS, Michael J. Bascom, Chief Financial Officer and former Police Director, has been named as a Defendant in multiple lawsuits and has requested legal counsel in regards to the claims for punitive damages; and,

WHEREAS, in accordance with individual employment contract and policy, the Township Committee must approve the selection of counsel; and,

WHEREAS, the Township will reimburse said official for legal fees incurred for personal counsel for lawsuits for punitive damages pursuant to N.J.S.A. 40A:14-155; and,

WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should an officer be held liable for punitive damages; and,

WHEREAS, funds will be provided in the 2017 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to former Police Director Michael Bascom to retain legal counsel for the claim of punitive damages in the following matters at an amount not to exceed \$2,500.00 for each case; and,

- Kirsten Seidle v. Michael J. Bascom

O'Donnell McCord, PC  
1725 Highway 35, Suite C  
Wall, NJ 07719

- Kyheem Davis v. Michael J. Bascom
- Christine Savage v. Michael J. Bascom
- Elena Gonzalez v. Michael J. Bascom

Lentz Gengaro, LLP  
347 Mt. Pleasant Avenue, Suite 203  
West Orange, NJ 07052

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., Chief of Police, Township Attorney and Michael Bascom.

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT POLICE CHIEF JAMES M. HUNT, JR. IN LAWSUITS FOR PUNITIVE DAMAGES

WHEREAS, James M. Hunt, Jr., Chief of Police, has been named as a Defendant in multiple lawsuits and has requested legal counsel in regards to the claims for punitive damages; and,

WHEREAS, in accordance with individual employment contract and policy, the Township Committee must approve the selection of counsel; and,

WHEREAS, the Township will reimburse said official for legal fees incurred for personal counsel for lawsuits for punitive damages pursuant to N.J.S.A. 40A:14-155; and,

WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should an officer be held liable for punitive damages; and,

WHEREAS, funds will be provided in the 2017 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to Police Chief James M. Hunt, Jr. to retain legal counsel for the claim of punitive damages in the following matters at an amount not to exceed \$2,500.00 for each case; and,

- Kirsten Seidle v. James M. Hunt, Jr.

O'Donnell McCord, PC  
1725 Highway 35, Suite C  
Wall, NJ 07719

- Kyheem Davis v. James M. Hunt, Jr.
- Christine Savage v. James M. Hunt, Jr.
- Elena Gonzalez v. James M. Hunt, Jr.

Lentz Gengaro, LLP  
347 Mt. Pleasant Avenue, Suite 203  
West Orange, NJ 07052

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

AUTHORIZE AN AMENDMENT TO THE 2017 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF HIGHWAY TRAFFIC SAFETY

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 insertion of an item of revenue in the budget for the year 2017 in the sum of \$5,500.00 which is now available from the NJDLP&S – Division of Highway Traffic Safety in the amount of \$5,500.00; and,

BE IT FURTHER RESOLVED that the like sum of \$5,500.00 is hereby appropriated under the caption of 2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety – Division of Highway Traffic Safety 2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown grant in the amount of \$5,500.00; 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.

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; 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,

<b>BLOCK</b>	<b>LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
1604	14	STRATFORD	606 BERKLEY LN	2017	1,042.41
3703	5	HODGE	3 DARTMOUTH RD	2017	974.12
1902	1C255	KING	255 FRANKFORT AV	2017	1,242.92
617	30	THOMPSON	1817 STRATFORD AV	2017	619.73
4910	6	SIA	211 SCHOCK AVE	2017	2,113.23
3101	7	DEROSA	16 JUMPING BROOK	2017	181.46
5406	12	DIXON	115 MILFORD RD	2017	1,331.31
3205	17	GONZALEZ	22 ELDORADO WY	2017	723.31
2704	14	CRAWFORD	404 SLOCUM AV	2017	891.70
907	24	DAVIS	1963 W LAKE AVE	2017	201.56

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

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

AWARD BID FOR LAKE ALBERTA DREDGING AND DRAINAGE IMPROVEMENTS

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

WHEREAS, on August 3, 2017, the Township Consulting Engineer received bids for the award of a contract for Lake Alberta dredging and drainage improvements; and,

WHEREAS, said bids were reviewed by the Township Engineer and Consulting Engineer who have recommended that the bid be awarded to the lowest bid submitted by Precise Construction, Inc.; and,



WHEREAS, said bids were advertised, received and awarded in a "fair and open" competitive bidding process in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in Ordinances No. 04-32 and No. 15-07 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Precise Construction, Inc. on their lowest responsible base bid of \$735,625.00 for Lake Alberta dredging and drainage improvements; and,

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

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

AUTHORIZE THE PURCHASE OF SAVIN COPIERS THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

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

WHEREAS, the Business Administrator has recommended the purchase of eight (8) Savin document copiers for various municipal 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, Ricoh USA c/o Atlantic Tomorrows Office has been awarded New Jersey State Contract No. 40467 for this equipment; and,

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

WHEREAS, the total cost of the equipment shall not exceed \$79,836.00; and,

WHEREAS, funds for this purpose are available from Ordinances No. 15-33 and No. 17-24 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 eight (8) Savin document copiers for various municipal departments through New Jersey Cooperative Purchasing Program Contract No. 40467 be and is hereby authorized at an amount not to exceed \$79,836.00; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

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

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

CURRENT FUND	\$1,881,148.65
GRANT FUND	37,827.90
TRUST FUND	119,797.66
GENERAL CAPITAL FUND	75,725.24

SEWER OPERATING FUND	110,489.83
MARINA OPERATING FUND	9,136.67
DOG TRUST	291.00
UDAG TRUST	1455.00
LIBRARY TRUST	2,258.85
BILL LIST TOTAL	\$2,238,130.80

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Dianna Harris, President of MURC, stated there was a paper street behind Liberty Park Community Gardens and questioned whether it was still on the tax map as a street.

Mr. Gadaleta confirmed that it was.

Ms. Harris stated there was a problem back there because the entrance way coming from Munroe Avenue needs the grass trimmed.

Mr. Gadaleta stated he would have someone look at it.

Ms. Harris thanked Bishop Brown and Deacon Massicott for putting up their shed because they did a great job. She also stated they needed help with the pollinator garden because members from the Shade Tree would help them.

Mr. Gadaleta stated he would reach out to Christopher Bedrosian of the Shade Tree Commission to see what he could do.

Ms. Harris thanked everyone on the Committee especially Carol Rizzo for the streetscape on West Lake Avenue. She stated the residents were happy with it. She questioned when would they get garbage cans.

Mr. Gadaleta stated they've been ordered and they are waiting on them to get delivered and they have half as many trees to be planted in the fall.

Ms. Harris questioned when would they get the benches?

Mr. Gadaleta stated all of the street furniture were ordered together.

Ms. Harris also stated they still need a sign at Midtown Commons Park.

Mr. Gadaleta stated they would try and secure funding for the signs.

Ms. Harris questioned how COAH money would be distributed.

Mr. Gadaleta stated our matter has been reviewed by the court and they are waiting on a final decision by the judge. He stated they anticipate implementing their program in the fall. It will be very similar to the programs we've done in the past. It will be open to all residents throughout the Township who meet the income requirements.

Ms. Harris thanked the Committee for the Division Street equipment. She questioned when were they going to finish the fence. Mr. Gadaleta stated it was discussed earlier and it was ordered.

Dr. Jim Brown, 107 Lakewood Road, stated he was in favor of armored dunes and the marine mattress. He stated he could see what the climate change was doing not just for this generation but for the generations to come. He stated he teaches Environmental Science at various universities and really likes the plan and felt the mattress would help attract sea life.

John DiGiamberardino, 147 Broadway, stated that he is a member of the community and Chief Operations Officer of the Ocean Grove Camp Meeting Association. He speaks for the Association Trustees by saying that the Association is against any form of permit parking. It will negatively affect property values and would impact tourism and activities in Ocean Grove. Permit parking would make Ocean Grove an unfriendly town, would affect businesses and cause sign clutter. The Camp Meeting Association will pursue legal remedies should permit parking be implemented.

Ann Horan, 69 Clark Avenue, stated not many Camp Meeting Trustees are residents of Ocean Grove and have no idea about the parking situation.

Ray DeFaria, 12 New York Avenue, stated he's been a resident of Ocean Grove for 52 years and was a member of the Parking Committee last year. He stated they did a very thorough and comprehensive review. The Committee makeup consisted of long time members of the community. This community was for people to come in and is not similar to Asbury Park or Bradley Beach. He stated the parking permits would cause restrictions for people who come into the town to worship, relax and enjoy themselves.

Annabelle Bissell, 77 Heck Avenue, stated the Township did a good job with notification on Fabio Court. There is a need for limited permit parking in Ocean Grove.

Resident from 427 Woodmere Avenue, asked what the ordinance for the flood mitigation project includes. Mr. Cuttrell stated that it authorizes an appropriation for the project. Mr. Gadaleta stated the design and construction idea presented at the forum are very preliminary and there will be public input during the design process.

Stephanie Seyr, 611 South Riverside Drive, stated she appreciates the time and effort put forth in regards to the Shark River flood mitigation project. The data submitted to FEMA was overstated which resulted in an aggressive project. The project will damage the ecosystem along the river. She asked that the decision be tabled and apply for a six month extension to evaluate and discover the actual cause for flooding.

Michael Golub, Cliffwood Drive, stated the weeds on the corner of West Bangs and Route 33 were bad and the Hamilton Commons residents need to be refunded for the money they spent to get the stream resolved. He felt the Committee needed to work on developing a solution outside of Ocean Grove for parking such as Memorial Drive because they can't get more parking in Ocean Grove. He stated as far as the police situation there were authorizations to pay for legal representation for Mr. Bascom and the Chief because they were being sued for punitive damages. He questioned whether there was a plan for restitution in the event that the Chief and Mr. Bascom were found guilty. He stated if this was going on while he was on the Township Committee he would have resigned and walked away. He stated this was going to get expensive.

Mayor Brantley stated they have been trying as far as the parking in Ocean Grove.

Mr. Gadaleta stated the resolution is for punitive damages only. There is no further discussion with Hamilton Commons. They did site the homeowner on West Bangs but the weeds continue to grow. The DOT will be doing work to intersections and structures.

Ray Dodd, 64 South Riverside Drive, stated in the month of July, he measured the height of the high tide for 51 tide cycles. Michael Bascom made a statement that the area floods three times a month. It did not flood once in the 51 high tide cycles that he measured. The conditions that the Township describes are not occurring. He stated that his neighbors feel like the Committee is not interested in hearing from them.

Bill Sciarappa, 12 Tucker Drive, Neptune City, stated he was a professor of science and he teaches at Rutgers and felt the armored dune was not the right thing. He stated a good innovated solution was being put in the wrong spot and it might be better on the Cracker Barrel side. He requested to test it but never received a response.

Carol Imbriaco, Sheldon Avenue, stated she has lived here for 38 years and can count on one hand the number of times it has flooded. She asked the Committee to not do this project.

Amy Harbaugh, Overlook Drive, moved from Staten Island to Shark River Hills and stated they could not get to the river if the wall was built and questioned how they would want their family to grow up.

Hank Coakley, Valley Road, stated Ms. Argyros always talks about the person who died in jail. He understands this person was not an upstanding citizen. He asked for a temporary bridge over Shark River when the East End Avenue bridge is being replaced. He stated 25 police officers have been killed in the line of duty in the last three months.

Joel Popkin, 88 Inskip Avenue, stated permit parking is not a solution to the parking situation because it does not mean you will have a spot in front of your house. The parking is a problem only on weekends in the summer or 20 to 30 times a year. People purchased homes in Ocean Grove and knew that parking is a problem. Permit parking would be a mistake.

Robert Lamont, 86 Asbury Avenue, stated a pilot program for parking permits should be done. The parking is getting worse.

Dorothy Argyros, 2100 Rutherford Avenue, stated punitive damages in a case are rare and the Township is supporting police violence, murder and now cover up. The Township is supporting abuse to women. She felt that Mr. Bascom and Chief Hunt should pay if they are found guilty so that this behavior will stop.

Jack Bredin, 94 ½ Heck Avenue, stated he is opposed to parking permits. It is illegal for a Board to approve projects without parking. The elected officials of Neptune Township and Asbury Park are the ones that created the parking problem. There have been five parking committees and you can't do anything to solve the problem except to approve single family housing only.

Arlene Sciarappa, 14 Temple Drive, stated that Township's application to FEMA for the South Riverside Drive flood mitigation project referenced a list of properties that received storm damage. She distributed a map showing the location of the referenced properties and said that some did not have any damage, some have been elevated, and some are outside of the area where the project is proposed.

Resident from 33 Abbott Avenue, stated everyone wants to come to Ocean Grove and there are instances of road rage. Permit parking could be tried because the situation has gotten worse. The Committee needs to find a solution.

Dr. Jim Chenitz, South Riverside Drive, on July 25<sup>th</sup> he submitted an OPRA request to Mr. Cuttrell who is efficient regarding flooding from 2008 to 2016. Mr. Cuttrell told him no records existed that would satisfy his request. He also submitted a request to the County and they found no documents as well. He stated there was no documentation to support the Township's claim. He discussed his findings. He stated Ray Dodd is the only one that has documentation. He requested they redraw the request for the grant or modify it.

Joan Venezia, 107 Mt. Hermon Way, thanked Mr. Cuttrell for always getting back to her and Mr. Gadaleta for always taking action on matters that she brings to his attention. She asked Mr. Anthony if there was anything new on the North End or any information from WAVE.

Mr. Anthony stated he received an email from Friday and they seem to have everything together except one problem negotiating with the Camp Meeting Association over an issue that they thought they had resolved. They found out just last week that it was not resolved and it is about the ground rents. They are suppose to meet this week to resolve that.

Ms. Venezia inquired about the actual fencing on the North End. She asked that someone request proper fencing. She stated as far as the HPC guidelines were they still waiting for an RFQ for an architect.

Mr. Gadaleta stated they were waiting to finalize the RFP.

Ms. Venezia stated she was very disappointed with the CLG because it was her understanding that they missed the guidelines.

Mr. Gadaleta suggested she talk to Nancy Clarke.

Ms. Venezia questioned the status of permit parking. She suggested they do a test case because she understood that having a referendum was off the table.

Ms. Rizzo stated she's spoken to various groups and they've put together some ideas. She discussed cost with the Chief Financial Officer and spaces with the Engineer and from there they will discuss it further.

Nancy Clarke, 47 Embury Avenue, stated on August 2<sup>nd</sup> Bernie Haney, Dawn Crozier, Deborah Osepchuck and she met with Jonathan Kenny and his colleague from SHIPPO. They were able to clarify that a survey is not required before they submit an application to the CLG. The application would be on behalf of all of Neptune and not just Ocean Grove. Going forward it would apply to all historic structures in Neptune. Jonathan Kenny did agree to review the Neptune Ordinances before they apply to identify anything that needed to be clarified for the historic district. Today the ordinances were sent by the Township staff to Kenny for comment. She stated because of the delay their window for applying is too close, there is not enough time. They will have to wait until 2019 until they look at any potential funding. She discussed abandoned properties and provided updates. She questioned whether they had a date for the RFQ's for the HPC.

Mr. Gadaleta stated that now that we are members of Preservation NJ he has the opportunity to use their staff to assist them. So he is going to be reaching back out to them again and getting some suggestions or recommendations.

Courtney Atkins, Tremont Drive, asked the Committee to keep an open heart and mind on the Shark River project. The storms drains should be fixed and then see what happens.

Barbara Burns, 4 Ocean Avenue, stated that the Camp Meeting Association owns all of the land in Ocean Grove. People will pay to park and this Committee is doing nothing. Parking permits will increase availability to residents during peak demand. She implored the Committee to do something.

Susan Chenitz, South Riverside Drive, submitted an excerpt of a book on the pitfalls for shoreline stabilization.

Ted Bell, Seaview Avenue, stated that he is in favor of permit parking. He is working on a project to restore an urn in Founders Park for the 150<sup>th</sup> anniversary of Ocean Grove. He stated that Ocean Grove has never looked better.

Sandra Sollee, Birdsall Road, Farmingdale, stated that lines need to be painted in the road for parking in Ocean Grove because people leave space between cars. Mr. Cuttrell stated that the problem with marking spots is that they have to be a certain length.

Mary Jane Dodd, 624 South Riverside Drive, stated she wants to see the storm drains repaired and tide flex valves installed along the river rather than the mitigation project. The data in the grant application is false and the best action is the least action. The project will be harmful to wildlife.

Ms. Rizzo offered a motion, seconded by Mr. Williams to adjourn. All were in favor.

Richard J. Cuttrell,  
Municipal Clerk