

TOWNSHIP COMMITTEE WORKSHOP MEETING – March 11 2024 – 4:00 P.M.

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

Township Committee	Present/ Absent	Professionals	Present/ Absent
Keith Cafferty	<u>Present</u>	Gina LaPlaca, Business Administrator	<u>Present</u>
Robert Lane, Jr.	<u>Present</u>	Gabriella Siboni, Township Clerk	<u>Present</u>
Kevin McMillan	<u>Arrived at: 4:20PM</u>	Gene Anthony, Township Attorney	<u>Absent</u>
Derel Stroud	<u>Present via Zoom</u>	Michael Bascom, Chief Financial Officer	<u>Present</u>
Tassie D. York	<u>Absent</u>	Debra Latshaw, Asst. CFO	<u>Present</u>

Deputy Mayor Lane 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 5, 2024, 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). Notice of the Budget meeting was made on March 7, 2024.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Budget Discussion

Mr. Bascom stated that the net debt of the Township is 0.572% and the goal is to be under 1%, which is within goal.

Mr. Bascom reviewed the trust fund accounts and the allowed spending on the specific accounts and their limitations.

Mr. Bascom reviewed the budget by page with the Township Committee. The Township Committee requested clarification on some of the not anticipated revenues such as Cannabis. Mr. Bascom stated they have a conservative number for the expected revenue because the market is still so new and the number of facilities has been changing in Neptune and surrounding areas.

Mr. Bascom stated the collection rate was 98.52% which is an excellent collection rate.

Mr. Bascom stated it was a planned increase in capital spending and the expenditure on debt payments has increased for this year.

Mr. Bascom noted that the Sewer Utility is in a favorable situation and this year we will not see an increase in sewer because of that.

Mr. Bascom stated the budget introduction will be scheduled for the March 25th meeting.

TOWNSHIP COMMITTEE WORKSHOP MEETING – March 11 2024 – 6:00 P.M.

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

Township Committee	Present/ Absent	Professionals	Present/ Absent
Keith Cafferty	<u>Present</u>	Gina LaPlaca, Business Administrator	<u>Present</u>
Robert Lane, Jr.	<u>Present</u>	Gabriella Siboni, Township Clerk	<u>Present</u>
Kevin McMillan	<u>Present</u>	Gene Anthony, Township Attorney	<u>Present</u>
Derel Stroud	<u>Arrived at 6:06PM</u>		
Tassie D. York	<u>Absent</u>		

Deputy Mayor Lane 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 5, 2024, 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).

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Privately Owned Salt Storage Ordinance

Ms. LaPlaca stated that due to regulations changes at the State Level, the Township is required to make amendments to our ordinance related to Privately Owned Salt or “Deicing materials”. The Township

Committee would need to consider the enforcement authority and setting a schedule of fines. Ms. LaPlaca stated the recommendation that enforcement would be done by Code Enforcement. Mr. Anthony stated many ordinances reference to the general violations section. The Committee agreed it may be better to reference the general violation section for clarity.

2. Ocean Grove Snow Emergency Ordinance

Ms. LaPlaca stated there was a proposal by OEM, Police and Public Works. There were concerns during the last snow event about conflicting signs and confusing language. The proposed amendment would push the snow away from peoples home by limiting parking on the median. The Township Committee concurred with the recommendation.

3. Committee Calendars

Stroud	No report
Cafferty	No report
McMillan	No report
Lane	Mr. Lane stated that on March 23, Post 346 is hosting a 70 th birthday party and it begins at 2:00PM. April 20 th is the Hometown Hero Dance at Post 346 from 5PM-9PM.
York	Absent

Res #24 - 143 Authorize An Executive Session As Authorized By The Open Public Meetings Act.

Offered by:	<u>McMillan</u>	Seconded by:	<u>Cafferty</u>
Vote:	<u>Cafferty</u> <u>Yes</u> <u>Lane</u> <u>Yes</u> <u>McMillan</u> <u>Yes</u> <u>Stroud</u> <u>Yes</u> <u>York</u> <u>Absent</u>		

TOWNSHIP COMMITTEE MEETING – March 11, 2024 – 7:00 P.M.

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

Township Committee	Present/ Absent	Professionals	Present/ Absent
Keith Cafferty	<u>Present</u>	Gina LaPlaca, Business Administrator	<u>Present</u>
Robert Lane, Jr.	<u>Present</u>	Gabriella Siboni, Township Clerk	<u>Present</u>
Kevin McMillan	<u>Present</u>	Gene Anthony, Township Attorney	<u>Present</u>
Derel Stroud	<u>Present</u>		
Tassie D. York	<u>Absent</u>		

MOMENT OF SILENCE 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."

Deputy Mayor Lane 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 5, 2024, 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).

APPROVAL OF MINUTES

Motion offered by Committeeman Cafferty, seconded by Stroud, Committeeman , to approve the minutes of meetings of February 26, 2024. All present were in favor.

COMMENTS FROM THE DAIS

Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

Stroud	Mr. Stroud stated he has met with the CFO and OEM coordinator. Mr. Stroud was made aware of their new training status and the equipment. Mr. Stroud also stated that the Board of Education is having a strategic planning meeting next Monday night and encouraged all to attend.
Cafferty	Mr. Cafferty stated that tomorrow is the 16 th annual Cops v. Kids basketball game and there is a suggested \$1 donation. Mr. Cafferty congratulated the Neptune High School Drama Club for their wonderful production of Les Miserables. Mr. Cafferty also stated Congressman Pallone assisted with and has indicated that the Township will receive funds to make repairs to Wesley

Lake bridges.

McMillan Mr. McMillan stated that the Committee participated in the St. Patrick’s Day Parade in Belmar and was able to see residents and other community leaders that day.

Lane Mr. Lane stated he had attended the grand opening of the Aldi on the Asbury circle and it was a great event. Mr. Lane attended the PBA Steak Bake and the PBA uses the fundraiser as an opportunity to support local programs. Senior Center will be hosting evening hours for seniors and their caretakers. World changers will be back this year and for information on the program, please contact the Senior Center.

York Absent

REPORT OF THE BUSINESS ADMINISTRATOR

The Business Administrator will report on capital projects and matters of general interest.

- Installation of Finger Docks at the Municipal Marina: The installation of new finger docks at the Municipal Marina has begun, although recent rainstorms and current high wind conditions have unfortunately delayed the process. Approximately 4 of the total 36 finger docks have been installed to date – typically under optimal conditions we can install 3 or 4 in a single day. With the weather forecast looking much better in the coming days however, we expect to get the installations back on track.
- Homeless Encampment Issues: The Monmouth County Continuum of Care will hold its regular monthly case conference on Wednesday March 13th; at that time I expect to receive an update on the current population of the camp and the status of those awaiting housing. Since our last meeting, there have been additional Zoning violations issued and our Special Counsel is continuing to engage the attorney for the property owner in an effort to get them to assist in clean up of the property and removal of vacated campsites.
- Recognition for Neptune OEM Special Operations Team: The Township received correspondence today from the Toms River Police Department expressing their gratitude and crediting the Neptune OEM Special Operations Team for their efforts in responding to a suicidal individual at the Community Medical Center in Toms River on March 4th. The individual thankfully came down without incident and was referred for mental health evaluation.
- Cops vs. Kids Basketball Event: The Neptune Municipal Alliance is holding the 16th Annual Cops vs. Kids Basketball game tomorrow March 12th at 4pm at the Neptune High School gym. For anyone interested in watching our police officers take on students from the High School, there is a \$1 suggested donation and they will also have refreshments for sale.

PUBLIC COMMENTS ON RESOLUTIONS

The Clerk will announce additional information regarding Separated Resolutions if necessary.

Resolution 24-158

<u>NAME</u>	<u>DEPT</u>	<u>PREVIOUS POSITION</u>	<u>RECLASSIFICATION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
Nicholas Megill	Assessing/ Land Use	Custodian	Inspector	\$36,597.81	3/12/2024

Resolution 24-159

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
Keleigh Cooper	Public Works	Customer Service Representative	\$29,050.00	3/12/2024

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.

Name and Address

Aliza Greenblatt
Franklin Ave.

Comment

Ms. Greenblatt stated she was happy to see the inclusion of resolution 24-156 that a resolution for the undercharge of the certificate of inspection, but noted the resolution was not included in the resolution packet. Ms. Greenblatt has stated that since the resolution was not available to the public, that the resolution cannot be considered this morning. Ms. Greenblatt stated that the charges are inappropriate because the properties should have been subjected to the fees for winter and Summer. Ms. Greenblatt encouraged the Township Committee to table the resolution.

Barbara Burns
Ocean Ave.

M. Anthony stated the receipt of the resolution is not a violation of the open public meetings act. Mr. Anthony stated the shortfall was not due to the seasons of the property. Mr. Anthony stated occupancy did not occur in Winter.

Ms. Burns asked for clarification on when the seasons begin for short term rentals. Resolution 24-148. Ms. Burns asked what items are being leased. Ms. LaPlaca stated it is an agreement to allow leasing with options for those items listed in the resolution. This is an annual agreement.

24-150 Ms. Burns asked for clarification on the matter where an agreement is being amended for Savage v Kezmarsky litigation. Mr. Anthony summarized the case and the reason why the Township is involved.

Shane Martin
Mt. Hermon Way

Mr. Martin asked what is the back due amount. Mr. Anthony stated the amount was \$13,250.00. Mr. Martins stated that the opinion Mr. Anthony provided on the record stated the amounts due was 10 days prior to the application made by the Ocean Grove Camp Meeting Association. Mr. Martin claimed the Clerk stated the proof of payment cannot be provided. Mr. Martin asserted that the amount due is closer to \$40,000.

Paul Martin
Franklin Ave.

Mr. Martin stated this is another example of Neptune Township dealing differently with Camp Meeting Association than dealing with other residents. Mr. Martin stated considering this resolution will be giving priority to the Camp Meeting association and requested that the Township Committee table the resolution.

Mr. Cafferty confirmed with Mr. Anthony that the dwellings in question were only occupied for one season and confirmed that Mr. Bascom has provided the feedback that the collection of fees due.

Cindy Kleibart
Broadway Ave.

Ms. Kleibart stated that not having the resolution for the public to consider was inappropriate. Ms. Kleibart stated Mr. Bascom was not even sure of the numbers when he was asked by the public, but now the Township Committee is considering the resolution without his input.

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

Ordinances 24-09 and 24-11 will have public hearing on March 25, 2024 meeting

Ordinance 24-10 will have public hearing on April 8, 2024

ORDINANCES FOR FIRST READING

Ordinance 24-12 Ordinance To Rescind Chapter Iii, Section 3-1 Of The Code Of The Township Of Neptune Entitled “Unnecessary And Disturbing Noise” And Adopting New Ordinance Entitled, Section 3-1, “Prohibited Nuisances – Noise”
Explanatory Statement: This ordinance amends the existing nuisance ordinance and modifies the definitions of types of nuisance, times of enforceability and distance from noise when a nuisance is established.

Offered by:	<u>McMillan</u>	Seconded by:	<u>Cafferty</u>
Vote:	Cafferty	<u>Yes</u> Lane	<u>Yes</u> McMillan
		<u>Yes</u> Stroud	<u>Yes</u> York
			<u>Absent</u>

CONSENT AGENDA

- Res#24- 144** Resolution Authorizing The Professional Services Agreement With Leon S. Avakian For Engineering Services Relating To 2024 NJDOT Ma Improvements To Myrtle Ave- Phase II Project In An Amount Not To Exceed \$44,500.00
- Res#24- 145** Resolution Authorizing The Professional Services Agreement With CME Associates For Engineering Services Relating To 2024 NJDOT SST Atkins Ave. Pedestrian Improvements Project In An Amount Not To Exceed \$58,600.00
- Res#24- 146** A Resolution Of The Township Committee Of The Township Of Neptune Confirming Receipt Of The Annual Report Of The Tax Collector For The Year 2023
- Res#24- 147** A Resolution Authorizing The Refund Of Taxes As A Result Of An Overpayment
- Res#24- 148** Resolution Authorizing The Township Of Neptune Through The Neptune Township Police Department, To Participate In The Defense Logistics Agency, Law Enforcement Support Enforcement Support Office, 1033 Program To Enable The Neptune Township Police Department To Request And Acquire Excess Department Of Defense Equipment.
- Res#24- 149** A Resolution Of The Township Committee Of The Township Of Neptune To Authorize The

Cancellation Of UDAG Mortgages

- Res#24- 150** Amendment To Resolution Authorizing Michael Burns, Esq. Of The Rainone, Coughlin, Minchello Law Firm To Represent The Township Of Neptune In The Third Party Complaint In The Case Of Savage V. Kezmarsky V. Neptune Township Filed In The Superior Court Of New Jersey, Law Division, Monmouth County, Under Docket No. MON-L-2588-21
- Res#24- 151** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing The Public Auction Sale Of Various Surplus Items Deemed Unnecessary For Municipal Operation
- Res#24- 152** Resolution Of The Township Committee Of The Township Of Neptune Awarding Earle Asphalt Company Contract "9th Ave. Sewer Rehabilitation And Repaving Project" In An Amount Not To Exceed \$977,652.94
- Res#24- 153** Resolution Authorizing The Purchase Of Public Safety And Emergency Preparedness Hazmat Equipment And Training With Safeware Under Omnia Partners Public Sector, Contract #4400008468 For \$19,500.00
- Res#24- 154** A Resolution Of The Township Committee Of The Township Of Neptune Accepting Resignations
- Res#24- 155** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Incentive Program For Role Models In The Recreation Department
- Res#24- 156** Authorizing Collection Of Shortfall On Fees Due From The Ocean Grove Camp Meeting Association On Seasonal Single Family Rentals In 2023
- Res#24- 157** Authorizing Payment of Bills

CONSENT AGENDA

Offered by: Cafferty _____ Seconded by: Stroud _____
Vote: Cafferty Yes Lane Yes McMillan Yes Stroud Yes York Absent

Resolution 24-156

Motion to Table made by Committeeman stroud Second by McMillan

Offered by: _____ Seconded by: _____
Vote: Cafferty Yes Lane Yes McMillan Yes Stroud Yes York Absent

Mr. McMillan requested Mr. Bascom be present

SEPARATED RESOLUTIONS

- Res#24- 158** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Reclassification

Offered by: McMillan _____ Seconded by: Stroud _____
Vote: Cafferty Yes Lane Yes McMillan Yes Stroud Yes York Absent

- Res#24- 159** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Public Works

Offered by: McMillan _____ Seconded by: Cafferty _____
Vote: Cafferty Yes Lane Yes McMillan Yes Stroud Yes York Absent

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.

Name and Address

Rich Robinson
Hillside Dr.

Comment

Ms. Robinson stated he has been making comment on Overlook since August and has been very understanding about the consideration by the Township Committee.

Mr. Robinson stated Overlook is now reviewed "Overlook Manor" and has been booked as a venue through September. Mr. Robinson stated the property is being advertised as a venue

space on VRBO. Mr. Robinson also questioned the assessment of the property. Mr. Robinson asked where the Township Committee where they stand on this matter.

Mr. Anthony stated the special events ordinance was adopted at the last meeting and tonight the nuisance ordinance was introduced. Mr. Anthony stated it is his hope to have the short term rental ordinance for committee consideration shortly. The other matters will be addressed as zoning violations and be prosecuted in municipal court.

Mr. Robinson asked why an animal house ordinance with a bond requirement is not being considered.

Mr. McMillan asked what the bond amount is and Mr. Robinson stated Belmar has a \$2,000 bond.

Kevin Chambers
Heck Ave.

Mr. Chambers showed the Township Committee photos from a home that was burned by fire. Mr. Chambers stated the zoning use is for single family home and he believes the property is looking like a six-family home. Mr. Chambers stated there is work being done on the property without permits. The damaged structure is being used to complete new work. Mr. Chambers stated the property should be seeking variances through the Board of Adjustment.

Ms. LaPlaca stated that the property received approvals through HPC and procured permits in July 2023.

Mr. Chambers stated there is a serious problem with zoning in Ocean Grove. Mr. Chambers stated the HPC is providing approvals and variances are being granted by the Zoning Officer rather than the proper jurisdiction at the Zoning Board of Adjustment.

Brian Conn
Hillside

Mr. Conn thanked the Committee for stopping by during the parade.

Shane Martins
Mt. Hermon way

Mr. Martins thanked for tabling the resolution 24-156 and requesting the presence of Mr. Bascom at the township meeting. Mr. Martins stated there is a delay in response to OPRA requests and claimed that he would submit a new OPRA and would be hopeful that he would receive the responsive records before the next Township Committee meeting.

Reverend Ed Lee Sr.
Drummond Ave.

Mr. Lee inquired about the property at 1710 West Bangs Ave. Ms. LaPlaca stated the matter is with the Redevelopment Attorney because the property is in a redevelopment zone. Ms. LaPlaca stated the Township is aware of the tank removal, but does not know what the intent is to move forward and has not received the correspondence from DEP.

Mark Mitchell
Surf Ave.

Mr. Mitchell stated he is happy that the Township is reconsidering the ordinance. Mr. Mitchell stated he has been priced out of Ocean Grove and he believes the Short Term rentals are to blame. Mr. Mitchell stated he signed a lease that would have access for an additional 5 weeks. Mr. Mitchell stated the winter rental dates do not meet the needs of the community. Mr. Mitchell asked the Township Committee to change the dates of the Winter and Summer Seasons to meet the demand that is present in the area.

Matt Mitchell

Mr. Mitchell has been a part of the Ocean Grove Community since the 90s. Mr. Mitchell stated he is Pennsylvania half of the year, but he is still a resident of Ocean Grove as well and has been a volunteer and active in multiple organizations in Neptune Township. Mr. Mitchell stated the ordinance for short term rentals has greatly impacted his experience in Neptune and has made it so that his access to his rental for 56 days. Mr. Mitchell asked the Township Committee to reconsider the ordinance to make the tents and cottages long term.

Dan Muller
Hillside Dr.

Mr. Muller stated that 401 Overlook is advertising the property as a commercial venue, wedding and event venue for \$1,000 a day. Mr. Muller stated last year numerous complaints have been made on the property. Mr. Muller stated that in about a month, the property will be booked every weekend for events and parties. Mr. Muller asked the Township Committee to strongly consider the necessary changes.

Greg Davis

Mr. Davis was here to speak on the noise ordinance. Mr. Davis stated there is noise issues at the Elks Lodge. Mr. Davis has emailed the Township Committee on concerns about the events occurring at the Elk's Lodge. Mr. Davis stated his family has been in Neptune for a century. Mr. Davis asked that the Township Committee to consider an ordinance that would affect the issues being posed by the Elks Lodge such as the concerts being held at the Elks Lodge. Mr. Davis played a clip of what the noise sounds like during the music playing during the summer. Mr. Davis asked for a limit on the length and number of occurrences for the types of events being held.

Aliza Geenblatt
Franklin Ave.

Ms. Greenblatt stated there are people occupying the cottages in the winter. Mr. Anthony stated he was advised by the Code department that the rentals took place in the summer only.

Ms. Greenblatt questioned the consistency of the applicability of the regulations. Ms. Greenblatt stated she believes that special treatment to the Camp Meeting Association. Ms. Greenblatt asked can an applicant apply in any way than online. Ms. Greenblatt stated the Township cannot produce receipt of payment. Ms. Greenblatt stated the figure provided by Mr. Anthony and Mr. Ciccone was not the figure that Mr. Bascom was aware of and there was a discrepancy. Mr. Anthony stated there was an error with the software and how the information was input. Ms. Greenblatt stated there were other properties affected. Ms. LaPlaca stated there were individual properties that had the same issues, but they were caught at the time of application. The unique nature of the tents and cottages was affected by the way the application was submitted and the software interpretation of the ordinance. Ms. LaPlaca stated that Mr. Bascom did a very thorough investigation.

Eileen Michaels
Seaview Ave.

Ms. Greenblatt asked if the ordinance is being reconsidered. Mr. Anthony stated the Township is still reviewing the information and drafting the ordinance

Ms. Michaels stated she does not believe the Township Committee does not have enough time to review the documents they are voting on and asked the Township Committee really review the information they are considering. Ms. Michaels requested that the Township Committee consider promotions and swearing ins at a time separate from the Township Committee so that they are given proper due and they don't intrude on the nature of the meeting.

Barbara Burns
Ocean Ave.

Ms. Burns asked questions on behalf of Richard Williams. Ms. Burns stated that Mr. Williams recorded the reasons for affirmative votes on the North End Development. Mr. Williams wanted to know what control we would lose, the relief that would be offered, control of the project, and reverting to the original redevelopment plan.

Gary Brown
Cardinal Rd.

Mr. Cafferty stated that based on the comment, it is based on the assumption that the Township would win the case. Mr. Cafferty stated he was acting based on the information provided from the legal advice of Township Professionals.

Mr. Brown stated that 2 weeks ago, an OPRA request was submitted for the property and received reports from the Police Department and it showed that in 1 year there were 50 calls that included theft, EMS calls, mental health emergencies, noise, etc. Mr. Brown indicated that he did not receive a response from zoning and code on the request.

Cindy Kleibart
Broadway

Ms. Kleibart stated there have been numerous people who have said the Township Committee is not following up on complaints. Ms. Kleibart received a summons and complaint for a pod. The complaint was issued without due process and it was not properly addressed with the resident. Ms. Kleibart stated there is a dumpster owned by Gannon at 27 Broadway that is not permitted or has not been removed or enforced on.

ADJOURNMENT

Offered by: Stroud Seconded by: McMillan Time Adjourned 8:28PM

Respectfully Submitted,



Gabriella Siboni
Township Clerk