

TOWNSHIP COMMITTEE WORKSHOP MEETING – NOVEMBER 8, 2018 – 6:00 P.M.

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

ROLL CALL

PRESENT/ABSENT

Dr. Michael Brantley
Robert Lane, Jr.
Kevin B. McMillan
Carol Rizzo
Nicholas Williams

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

Mayor Williams announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 4, 2018, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Review Committee calendars/update on outstanding issues and capital items.
- Various on-going capital improvement projects.

Res. # 18-371 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

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

RESOLUTION #18-371 – 11/8/18

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

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

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

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

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

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

Personnel – Recommendations for position of Driver

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

4. This Resolution shall take effect immediately.

TOWNSHIP COMMITTEE MEETING – NOVEMBER 8, 2018 – 7:00 P.M.

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

ROLL CALL

PRESENT/ABSENT

Dr. Michael Brantley
Robert Lane, Jr.
Kevin B. McMillan
Carol Rizzo
Nicholas Williams

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

Silent Prayer and Flag Salute

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

Mayor Williams announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 4, 2018 posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES – Motion offered by _____, seconded by _____, to approve the minutes of the meeting held on October 22nd.

PROCLAMATIONS – The Mayor will present the following proclamations:

National Apprenticeship Week – November 12-18 – presented to Nicholas Toth, Assistant Director of the NJ Office of Apprenticeship, Department of Labor and Workforce Development, on behalf of Robert Asaro-Angelo, NJ Labor Commissioner.

Paul Annunziata – Neptune Fire Commissioner - In recognition of his deployment with the New Jersey Task Force to perform search and rescue operations in North Carolina in the aftermath of Hurricane Florence

Brian Galatis – Neptune Public Works Driver – in recognition of his efforts to provide medical assistance to a resident after being summoned for help while on his refuse route.

REPORT OF THE CLERK - The Clerk states that the following communication is on file in the Clerk's office:

Letter from Julie Petix, New Jersey Medical Reserve Corps State Coordinator, thanking Michael Bascom, Donald Colarusso, Michael DiLeo and William Rosen for their efforts to transport nurses to North Carolina to assist with medical needs in the aftermath of Hurricane Florence.

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

PUBLIC COMMENTS ON RESOLUTIONS - Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes.

ORDINANCES - For each ordinance with a public hearing, the public is permitted one visit to the microphone with a limit of five minutes.

ORDINANCE NO. 18-32 – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding resident only handicapped parking zones on Lake Avenue, Pilgrim Pathway and Main Avenue - First Reading

Explanatory Statement: This ordinance authorizes resident only handicapped parking zones in front of 16 Lake Avenue, 15 Pilgrim Pathway, and 12 Main Avenue.

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

The Public Hearing on Ordinance 18-32 will be held on Monday, November 26, 2018.

CONSENT AGENDA

Res. #18-372 – Authorize Developer’s Agreement with Wayside Associates, LLC Block 2201, Lot 17 (f/k/a Block 1006, Lots 14.01 and 16) Wayside Road.

Res. # 18-373 – Authorize additional appropriation to legal counsel representing Police Chief James M. Hunt, Jr. in lawsuits seeking punitive damages.

Res. # 18-374 – Authorize additional appropriation to legal counsel representing Michael J. Bascom in lawsuits seeking punitive damages.

Res. #18-375 – Accept the resignation of Ethan Vacchiano as a Driver in the Department of Public Works.

Res. #18-376 – Appoint members to the Municipal Alliance Against Alcoholism and Drug Abuse.

Res. #18-377 – Authorize Change Order #1 (final) in connection with Brighton Avenue force main project.

Res. #18-378 – Appoint Alternate Prosecutor.

Res. #18-379 – Authorize the execution of an amendment to the Interim Cost and Conditional Designation Agreement with BAW Development pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

Res. #18-380 – Approve the transfer of Taxi Medallion License No. 008

Res. #18-381 – Place lien on 511 Atkins Avenue.

Res. #18-382 – Authorize settlement in the matter of Krista Horan v. Neptune Township.

Res. #18-383 – Authorize the purchase of a diesel power generator through the National Joint Powers Alliance Purchasing Program.

Res. #18-384 – Authorize the transfer of 2018 budget appropriations.

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

Res. #18-385 – Extend offers of employment for the position of Driver in the Department of Public Works.

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

Res. #18-386 – Authorize the payment of bills.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

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

ADJOURNMENT

ORDINANCE NO. 18-32

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON LAKE AVENUE, PILGRIM PATHWAY AND MAIN AVENUE

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

SECTION 1

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

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Lake Avenue	1	West side of Beach Avenue beginning 109 feet north of the northwest intersection of Beach Avenue and Seaview Avenue
Lake Avenue	1	West side of Beach Avenue beginning 10 feet north of the northwest intersection of Beach Avenue and Spray Avenue
Main Avenue	1	South side of Main Avenue beginning 79 feet east of the southeast intersection of Main Avenue and Beach Avenue
Pilgrim Pathway	1	West side of Pilgrim Pathway beginning 25 feet north of the northwest intersection of Pilgrim Pathway and Kingsley Place.

SECTION 2

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Nicholas Williams,
Mayor

RESOLUTION #18-372 – 11/8/18

AUTHORIZE DEVELOPER'S AGREEMENT WITH WAYSIDE ASSOCIATES, LLC BLOCK
2201, LOT 17 (F/K/A BLOCK 1006, LOTS 14.01 AND 16) WAYSIDE ROAD

WHEREAS, Wayside Associates, LLC sought development of property subject to a Major Site Plan Approval by the Neptune Township Planning Board for construction of three, three-story buildings, consisting of sixty-five apartment units, thirty-one one bedroom apartments and thirty-four two bedroom apartments, and the removal of existing improvements consisting of numerous buildings, accessory structures and greenhouses associated with a landscaping nursery business; and

WHEREAS, Wayside Associates, LLC, has agreed to enter into a Developer's Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the amended application before the Planning Board of Neptune Township; and

WHEREAS, it is in the best interest of the citizens of the Township of Neptune to enter this Developer's Agreement with Wayside Associates, LLC, to ensure the proper compliance and guaranteed performance of items and improvements made on said parcel.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the aforesaid Developer' Agreement with Wayside Associates, LLC, a true copy of which is on file in the Office of the Municipal Clerk, for compliance with the Planning Board of Neptune Township's Resolution No. 17-10, and representations upon submission and approval of all conditions arising from the aforesaid Resolution, and return the same to the Township Attorney for recording in the Clerk's office of Monmouth County; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney and Planning Board Administrative Officer.

RESOLUTION #18-373 – 11/8/18

AUTHORIZE ADDITIONAL APPROPRIATION TO LEGAL COUNSEL REPRESENTING
POLICE CHIEF JAMES M. HUNT, JR. IN LAWSUITS SEEKING PUNITIVE DAMAGES

WHEREAS, on August 14, 2017, the Township Committee adopted Resolution #17-348 (later amended by Resolution #17-409) which approved the selection of Joseph Maddaloni, Jr. to represent Police Chief James M. Hunt, Jr. in claims of punitive damages in three matters of litigation: specifically, Kyheem Davis v. Police Chief James M. Hunt, Jr.; Christine Savage v. Police Chief James M. Hunt, Jr.; and, Elena Gonzalez v. Police Chief James M. Hunt, Jr.; and,

WHEREAS, said Resolution also authorized legal fees in an amount not to exceed \$7,500.00 for the purposes of this litigation; and,

WHEREAS, on January 22, 2018, the Township Committee adopted Resolution #18-78 which authorized an additional \$15,000.00 for this purpose; and,

WHEREAS, on May 24, 2018, the Township Committee adopted Resolution #18-197 which authorized an additional \$20,000.00 for this purpose; and,

WHEREAS, the authorized appropriation has been exhausted and the litigation is on-going; and,

WHEREAS, the Township Attorney recommends an additional authorization of \$25,000.00 for legal fees in this matter; and,

WHEREAS, funds will be provided in the 2018 Municipal Budget, in the appropriation entitled Legal 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 amends Resolution #17-348, as amended by Resolution #17-409, to increase the appropriation authorization by \$25,000.00 for a total authorized appropriation of \$67,500.00 for legal expenses to Joseph Maddaloni, Jr. to represent Police Chief James M. Hunt, Jr. in claims of punitive damages in connection with three matters of litigation as described herein; and,

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

RESOLUTION #18-374 – 11/8/18

AUTHORIZE ADDITIONAL APPROPRIATION TO LEGAL COUNSEL REPRESENTING
MICHAEL J. BASCOM IN LAWSUITS SEEKING PUNITIVE DAMAGES

WHEREAS, on August 14, 2017, the Township Committee adopted Resolution #17-347 (later amended by Resolution #17-410) which approved the selection of Joseph Maddaloni, Jr. to represent Michael J. Bascom in claims of punitive damages in three matters of litigation: specifically, Kyheem Davis v. Michael J. Bascom; Christine Savage v. Michael J. Bascom; and, Elena Gonzalez v. Michael J. Bascom; and,

WHEREAS, said Resolution also authorized legal fees in an amount not to exceed \$7,500.00 for the purposes of this litigation; and,

WHEREAS, on January 22, 2018, the Township Committee adopted Resolution #18-77 which authorized an additional \$15,000.00 for this purpose; and,

WHEREAS, on May 24, 2018, the Township Committee adopted Resolution #18-198 which authorized an additional \$20,000.00 for this purpose; and,

WHEREAS, the authorized appropriation has been exhausted and the litigation is on-going; and,

WHEREAS, the Township Attorney recommends an additional authorization of \$25,000.00 for legal fees in this matter; and,

WHEREAS, funds will be provided in the 2018 Municipal Budget, in the appropriation entitled Legal 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 amends Resolution #17-347, as amended by Resolution #17-410, to increase the appropriation authorization by \$25,000.00 for a total authorized appropriation of \$67,500.00 for legal expenses to Joseph Maddaloni, Jr. to represent Michael J. Bascom in claims of punitive damages in connection with three matters of litigation as described herein; and,

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

RESOLUTION #18-375 - 11/8/18

ACCEPT THE RESIGNATION OF ETHAN VACCHIANO AS A
DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Human Resources Director has received a letter from Ethan Vacchiano resigning as a Driver in the Department of Public Works effective November 5, 2018,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Ethan Vacchiano as a Driver in the Department of Public Works is hereby accepted effective November 5, 2018; and,

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

RESOLUTION #18-376 - 11/8/18

APPOINT MEMBERS TO THE MUNICIPAL ALLIANCE
AGAINST ALCOHOLISM AND DRUG ABUSE

BE IT RESOLVED, by the Township Committee of the Township of Neptune hereby appoints Juan Omar Beltran and Callie Peters as members to the Neptune Township Municipal Alliance Against Alcoholism and Drug Abuse for an unexpired one-year term expiring December 31, 2018; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Drug Alliance Coordinator.

RESOLUTION #18-377 - 11/8/18

AUTHORIZE CHANGE ORDER #1 (FINAL) IN CONNECTION WITH
THE BRIGHTON AVENUE FORCE MAIN PROJECT

WHEREAS, a contract was awarded to Earle Asphalt, Inc. in the amount of \$356,916.13 in connection with the Brighton Avenue Force Main Project; and,

WHEREAS, a change to the contract has been experienced as a result of final as-built quantities; and,

WHEREAS, this change has been approved by the Township Engineer,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #1 in the contract with Earle Asphalt, Inc. in connection with the Brighton Avenue Force Main Project resulting in a net decrease of \$26,259.66 revising the total contract amount to \$330,653.47; and,

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

RESOLUTION #18-378 - 11/8/18

APPOINT ALTERNATE PROSECUTOR

WHEREAS, the Township of Neptune issued a Request for Proposals for Alternate Prosecutor for the year 2018 to which no responses were received; and,

WHEREAS, the Municipal Court Judge has requested that the Township Committee formally make an appointment for the year 2018 to comply with the rules of the State Judiciary; and,

WHEREAS, based on the amount of funds expended in the prior year for these services, it is estimated that the total 2018 appropriation for this contract will be \$2,500.00. Funds will be provided in the 2018 municipal budget in the appropriation entitled Municipal Court S&W, 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 Patrick Healy to serve as Alternate Prosecutor in the absence of the Prosecutor for the balance of the year 2018, at a rate of \$410.00 per session; and,

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

RESOLUTION #18-379 - 11/8/18

AUTHORIZE THE EXECUTION OF AN AMENDMENT TO THE INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT WITH BAW DEVELOPMENT, LLC, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas designated as areas in need of redevelopment or as areas in need of rehabilitation; and

WHEREAS, Resolution #18, adopted by the Township Committee on October 22, 2018, authorized the execution of an Interim Cost and Conditional Designation Agreement (the "Agreement") with BAW Development, LLC, ("BAW"), which Agreement named BAW as the Conditional Redeveloper of certain properties that are located in an area which has been determined to be an area in need of redevelopment in accordance with the Act (the "Redevelopment Area"), currently designated as Block 611, Lots 38, 39, 40 and 41, more commonly known collectively as 1718 West Lake Avenue; Block 605, Lots 1, 2, 43, 44, 45, 46 and 47, more commonly known collectively as 1620 West Lake Avenue; Block 602, Lots 13, 14 and 15, more commonly known collectively as 1509 West Lake Avenue; and Block 610, Lot 14, more commonly known collectively as 1715 West Lake Avenue; on the Tax Map of the Township of Neptune (collectively referred to herein as the "Project Site"), and provided for the deposit of project funds to defray the Township's costs incurred in connection with the negotiation of R redevelopment Agreement with BAW for the Project Site; and

WHEREAS, an additional parcel, Block 611, Lot 1, also known as 1700 West Lake Avenue ("Lot 1"), was inadvertently excluded from the definition of the "Project Site" as same is set forth in the Agreement; and

WHEREAS, Lot 1 is currently owned by the Township; and

WHEREAS, the Township and BAW desire to amend the Agreement in order to include Lot 1 within the Project Site, and to negotiate BAW's acquisition of Lot 1 from the Township; and

WHEREAS, the other provisions of the Agreement shall remain unchanged.

NOW, THEREFORE, it is hereby resolved by the Township Committee of Neptune as follows:

1. The Mayor is hereby authorized and directed to execute an Amendment to the Interim Cost and Conditional Designation Agreement between the Township of Neptune and BAW Development, LLC in substantially the form attached hereto as Attachment A.
2. The Business Administrator and Staff of the Township of Neptune are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
3. This Resolution shall be effective immediately.

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

THIS AMENDMENT TO THE INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT dated as of _____, 2018, by and between the TOWNSHIP OF NEPTUNE, (the "Township"), having offices at 25 Neptune Boulevard, Neptune, New Jersey 07753, acting pursuant to the provisions of the Local Redevelopment and Housing Law, and BAW DEVELOPMENT, LLC, a New Jersey limited liability corporation with offices at 555 Rte. 1 South, Suite 440, Iselin, New Jersey 08830 ("BAW") (this "Amended Agreement").

WITNESSETH

WHEREAS (#1), the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas designated as areas in need of redevelopment or as areas in need of rehabilitation; and

WHEREAS (#2), by Resolution #18-369, adopted on October 22, 2018, the Township Committee authorized the execution of an Interim Cost and Conditional Designation Agreement (the "Agreement") with BAW Development, LLC ("BAW"), which Agreement designated BAW as the Conditional Redeveloper for certain properties located in an area which has been determined to be an area in need of redevelopment in accordance with the Act (the "Redevelopment Area"), currently designated as Block 611, Lots 38, 39, 40 and 41, more commonly known collectively as 1718 West Lake Avenue; Block 605, Lots 1, 2, 43, 44, 45, 46 and 47, more commonly known collectively as 1620 West Lake Avenue; Block 602, Lots 13, 14 and 15, more commonly known collectively as 1509 West Lake Avenue; and Block 610, Lot 14, more commonly known collectively as 1715 West Lake Avenue; on the Tax Map of the

Township of Neptune (collectively referred to herein as the "Project Site"), and provided for the deposit of project funds to defray the Township's costs incurred in connection with the negotiation of R redevelopment Agreement with BAW for the Project Site; and

WHEREAS (#3), an additional parcel, Block 611, Lot 1, also known as 1700 West Lake Avenue ("Lot 1"), was inadvertently excluded from the definition of the "Project Site" as same is set forth in the Agreement; and

WHEREAS (#4), Lot 1 is currently owned by the Township; and

WHEREAS (#5), the Township and BAW desire to amend the Agreement in order to include Lot 1 within the Project Site, and to negotiate BAW's acquisition of Lot 1 from the Township; and

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

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

"Project Site" shall include Block 611, Lots 1, 38, 39, 40 and 41, more commonly known collectively as 1700 West Lake Avenue and 1718 West Lake Avenue; Block 605, Lots 1, 2, 43, 44, 45, 46 and 47, more commonly known collectively as 1620 West Lake Avenue; Block 602, Lots 13, 14 and 15, more commonly known collectively as 1509 West Lake Avenue; and Block 610, Lot 14, more commonly known collectively as 1715 West Lake Avenue; on the Tax Map of the Township of Neptune.

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

BAW DEVELOPMENT, LLC

Attest:

By:

Name:

Title:

TOWNSHIP OF NEPTUNE

Attest:

By:

Nicholas Williams

Mayor, Township of Neptune

[Signature Page for Interim Cost Agreement]

RESOLUTION #18-380 - 11/8/18

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 008

WHEREAS, Afir Ali is the owner of Neptune Township Taxi Medallion No. 008; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Mohamed Elgamal of Elgamal Transportation; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 008 to Mohamed Elgamal of Elgamal Transportation; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

RESOLUTION #18-381 - 11/8/18

PLACE LIEN ON 511 ATKINS 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>
412/18	511 Atkins Avenue	\$1,487.00

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 #18-382 – 11/8/18

AUTHORIZE SETTLEMENT IN THE MATTER OF KRISTA HORAN V. NEPTUNE TOWNSHIP

WHEREAS, a former employee of the municipal library, Krista Horan, filed a lawsuit for alleged wrongful termination in the Superior Court of New Jersey, Monmouth County, under Docket No. MON-L-000306-18; and

WHEREAS, the matter was referred to the Township Insurance Carrier, who has denied coverage under a technicality and resulted in the Township authorizing Resolution #18-275 on August 13, 2018, authorizing a Declaratory Judgment Action seeking determination of municipal rights to insurance coverage on the case aforesaid; and

WHEREAS, the parties to the underlying action involving Krista Horan agreed to mediate the same and the parties reached a settlement with regard to a lump sum payment to the Plaintiff, Krista Horan, of \$150,000.00; though the Declaratory Judgment Action determining who is responsible for payment of the aforesaid settlement is still pending; and

WHEREAS, all parties have reached this amicable settlement, which shall end the litigation in the Superior Court of New Jersey under Docket No. 000306-18 and dismiss all claims against the Defendants without further litigation,

WHEREAS, that the Chief Financial Officer has certified the availability of funds for payment under the aforesaid settlement in the appropriations entitled Library O.E. and Legal O.E.,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body hereby authorizes the aforesaid Settlement Agreement entered into between the parties on October 30, 2018 with a true copy filed with the Clerk of the Township of Neptune; and,

BE IT FURTHER RESOLVED, that the Township continues to authorize the Township Attorney to pursue the Declaratory Judgment Action to determine responsibility for, and to what degree, and what contribution from, the various parties in the payment of the \$150,000.00 settlement.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Chief Financial Officer; Assistant C.F.O.; Township Attorney; Human Resources Director; Labor Attorney; Florio, Kenny, Raval, LLP; and Plosia Cohen, LLC.

RESOLUTION #18-383 - 11/8/18

AUTHORIZE THE PURCHASE OF A DIESEL POWER GENERATOR THROUGH THE
NATIONAL JOINT POWERS ALLIANCE PURCHASING PROGRAM

WHEREAS, the Sewer Utility Supervisor has recommended the purchase of a standby diesel power generator utilizing pricing through the National Joint Powers Alliance Cooperative Purchasing Program; 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, the Township of Neptune is authorized pursuant to N.J.S.A. 52:34-6.2(b)(3) to use procurement methods by entering into a nationally recognized cooperative agreement; and;

WHEREAS, the National Joint Powers Alliance has a nationally recognized cooperative agreement and has awarded Contract No. 120617-KOH to Cooper Power Systems for a Kohler Model 60REOZK Standby Diesel Power Generator; and,

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

WHEREAS, the cost of this equipment shall not exceed \$28,458.28; and,

WHEREAS, funds for this purpose are available in the Sewer Utility Budget – Capital Outlay and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township of Neptune Committee of the Township of Neptune that the purchase of a Kohler Model 60REOZK Standby Diesel Power Generator be and is hereby authorized through the National Joint Powers Alliance Purchasing Program at an amount not to exceed \$28,458.28 via Contract No. 120617-KOH awarded to Cooper Power Systems; and,

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

RESOLUTION #18-384 - 11/8/18

AUTHORIZE THE TRANSFER OF 2018 BUDGET APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of current year appropriations during the last two months of the fiscal year; and,

WHEREAS, the Chief Financial Officer has recommended that the following appropriation transfers be authorized:

	TO	FROM
Legal OE	\$400,000	
Roads OE	\$50,000	
	\$450,000	
Liability Ins OE		\$21,000
Workmans Comp OE		\$23,500
Admin OE		\$8,500
Finance OE		\$2,500
Revenue OE		\$5,000
Engineering OE		\$7,500
Zoning OE		\$3,000
Comm Programs OE		\$2,000
HPC OE		\$3,500
UCC OE		\$10,000
Code OE		\$5,000
Mercantile OE		\$3,000
Homeland Security OE		\$10,000
DPW Admin OE		\$2,500
Bldgs OE		\$10,000
Recreation OE		\$5,000
Maintenance of Parks OE		\$11,000
Gasoline OE		\$25,000
Eng S&W		\$40,000
Health S&W		\$12,000
Police S&W		\$85,000
Roads SW		\$130,000
Solid Waste S&W		\$25,000
		\$450,000

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that 2018 Budget Appropriations be transferred as stated herein; and,

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

RESOLUTION #18-385 - 11/8/18

EXTEND OFFERS OF EMPLOYMENT FOR THE POSITION OF DRIVER
IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, there are vacancies in the position of Driver in the Public Works Department;
and,

WHEREAS, the position was duly posted and applicants have been interviewed; and,

WHEREAS, the Human Resources Director and Public Works Director have made their
recommendations; and,

WHEREAS, funds for this purpose will be provided in the 2018 Municipal Budget in the
appropriation entitled Solid Waste Collection S&W, and the Chief Financial Officer has so certified in
writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune
that an offer of employment be and is hereby extended to the following individuals for the position of
Driver in the Department of Public Works, on a probationary basis for a period of not less than 90
days and not exceeding one year, contingent upon favorable results of the required pre-employment
testing, effective November 15, 2018, at an annual salary as indicated:

_____ – Class A Driver - \$32,200.00
_____ – Class B Driver - \$31,200.00

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Public
Works Director, Chief Financial Officer, Assistant C.F.O., AFSCME Local #2792, and Human
Resources Director.

RESOLUTION #18-386 – 11/8/18

AUTHORIZE THE PAYMENT OF BILLS

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

CURRENT FUND	490,463.55
GRANT FUND	38,951.26
TRUST FUND	38,450.03
GENERAL CAPITAL FUND	81,830.73
SEWER OPERATING FUND	9,999.85
SEWER CAPITAL FUND	55,288.92
MARINA OPERATING FUND	419.96
DOG TRUST	264.00
LIBRARY TRUST	5,670.99
BILL LIST TOTAL	\$721,339.29

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