

TOWNSHIP COMMITTEE MEETING – MARCH 23, 2020 – 4:00 P.M.

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

ROLL CALL

PRESENT/ABSENT

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

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 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 3, 2020, a notice of change in meeting start time issued on March 19, 2020, posting the notices on the Board in the Municipal Complex, and filing a copy of said notices 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 March 9th and the budget workshop meeting held on March 18th.

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. 20-08 – An ordinance to amend Ordinance No. 19-20 which authorized acceptance of a Deed of Dedication with regard to landlocked parcel located at Block 2001, Lot 6, Neptune Township, to include Lot 7 - Final Reading

Explanatory Statement: This ordinance amends Ordinance No. 19-20 which authorized the acceptance of a donation of property located at Block 2001, Lot 6, to also include Lot 7. The property is adjacent to Route 18 within the Garden State Hi Tech Redevelopment Zone.

Public Hearing:

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

CONSENT AGENDA

Res. #20-144 – Appoint member to the Neptune Township Housing Authority.

Res. #20-145 – Authorize Amended Consent Order with Evelyn Stumpf, John Wherle, Stumpy’s Sales and Services; new Defendants, JMA Holdings, LLC and Michael Graubart, individually, in the lawsuit before the Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. C-125-16

Res. #20-146 – Approve Bi-Lingual stipend to Alison Walby, Records Clerk.

Res. #20-147 – Approve the transfer of Taxi Medallion License No. 037.

Res. #20-148 – Authorize the purchase of office furniture through the State Cooperative Purchasing Program.

Res. #20-149 – Authorize the purchase of a police vehicle through the State Cooperative Purchasing Program.

Res. #20-150 – Authorize use of storm recovery reserve for costs related to the COVID-19 response, recovery, and mitigation.

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

Res. #20-151 – Award bid for improvements to Oxonia and Anelve Avenues.

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

Res. #20-152 – Authorize renovations to the Police Department offices through the Educational Services Commission of New Jersey Purchasing Program.

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

Res. #20-153 – Introduce 2020 municipal budget (Public hearing will be on April 27th)

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

Res. #20-154 – Authorize the payment of bills.

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

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 – (Next regularly scheduled meeting is April 27, 2020)

ORDINANCE NO. 20-08

AN ORDINANCE TO AMEND ORDINANCE NO. 19-20 WHICH AUTHORIZED ACCEPTANCE OF A DEED OF DEDICATION WITH REGARD TO LANDLOCKED PARCEL LOCATED AT BLOCK 2001, LOT 6, NEPTUNE TOWNSHIP, TO INCLUDE LOT

7

WHEREAS, the present owners of property located at Block 2001, Lots 6, Neptune, New Jersey (landlocked), on Ocean Avenue, Neptune Township, New Jersey, the Estate of Isaac Schmelkin; the Estate of Benjamin Schmelkin and Elaine Schmelkin, offered to dedicate the aforesaid property to Neptune Township, and an Ordinance accepting said property was adopted on August 12, 2019; and

WHEREAS, it was later discovered that the aforesaid property also included Block 2001, Lot 7; and

WHEREAS, it would be in the best interest of the Township of Neptune to receive this property as a dedication,

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Township Committee hereby amends Ordinance No. 19-20, adopted on August 12, 2019, to add Lot 7 to the parcel being accepted with the Deed of Dedication listing Block 2001, Lots 6 & 7, located on Ocean Avenue in the Township of Neptune.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately upon its final passage and publication as required by law.

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Robert Lane, Jr.,
Mayor

RESOLUTION #20-144 - 3/23/20

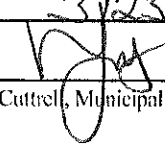
APPOINT MEMBER TO THE NEPTUNE TOWNSHIP HOUSING AUTHORITY

BE IT FURTHER RESOLVED, that the Township Committee hereby appoints Winifred Johnson to the Neptune Township Housing Authority for a five year term expiring March 31, 2025; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Neptune Township Housing Authority.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 3/23/2020


Richard J. Cuttrel, Municipal Clerk

RESOLUTION #20-145 – 3/23/20

AUTHORIZE AMENDED CONSENT ORDER WITH EVELYN STUMPF, JOHN WHERLE, STUMPY'S SALES AND SERVICES; NEW DEFENDANTS, JMA HOLDINGS, LLC AND MICHAEL GRAUBART, INDIVIDUALLY, IN THE LAWSUIT BEFORE THE SUPERIOR COURT OF NEW JERSEY, CHANCERY DIVISION, MONMOUTH COUNTY, DOCKET NO. C-125-16

WHEREAS, Neptune Township, based on authorization by Resolution, brought a lawsuit in the Superior Court of New Jersey, Chancery Division, Equity Part of Monmouth County seeking Injunctive Relief against the original Defendants from continuing the use of their business property for any use other than preexisting, nonconforming uses, and seeking removal of an expanded nonconforming structure at the subject site, as well as other relief in 2016; and

WHEREAS, on October 3, 2018, the original parties entered into a Stipulation of Settlement and Dismissal with Prejudice, which required the original Defendants to take certain action before the Planning Board or Zoning Board of Adjustment within 90 days of entering into the Stipulation of Settlement and Dismissal; and

WHEREAS, as a result of violations of the Stipulation of Settlement and Dismissal by Defendants, Evelyn Stumpf, John Wherle and Stumpy's Sales and Services, the governing body authorized a Motion for Enforcement and a Consent Order of Enforcement of a Stipulation of Settlement and Dismissal dated October 2, 2019 by Resolution of October 10, 2019; which provided the original Defendants in this matter with an additional six (6) months to either comply with the original Stipulation of Settlement and Dismissal or sell the property to a new buyer, who would either comply with the same, or demolish the subject building or submit a new Site Plan Application before the appropriate Municipal Board; and


WHEREAS, the original Defendants did sell the subject property to JMA Holdings, LLC and Michael Graubart, who are willing to enter into an amended Consent Order, along with the original Defendants, concerning the use of the subject property as set forth more fully in the Amended Consent Order on file in the Office of the Municipal Clerk,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorize the Township Attorney to execute the aforesaid Amended Consent Order of Enforcement of the Stipulation of Settlement and Dismissal with Prejudice of October 3, 2018, a copy of which is on file in the Office of the Municipal Clerk, providing for the settlement of all claims arising from the original lawsuit, and have the same recorded in the Clerk's Office of Monmouth County so that the obligations and commitments all of the Defendants in the Amended Consent Order shall run with the land.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Township Attorney along with a copy of the Amended Consent Order.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE ON 3/23/2020


Richard J. Cuttrel, Municipal Clerk

RESOLUTION #20-146 - 3/23/20


APPROVE BI-LINGUAL STIPEND TO ALISON WALBY, RECORDS CLERK

BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves a bi-lingual stipend to Alison Walby, Records Clerk, in the annual amount of \$639.85 effective April 1, 2020; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 3/23/2020


Richard J. Cuttrell, Municipal Clerk

RESOLUTION #20-147 - 3/23/20

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 037

WHEREAS, Gurkiran Kaur is the owner of Neptune Township Taxi Medallion No. 037; and,

WHEREAS, she has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Brian Daley of BD One Transportation, LLC; 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. 037 to Brian Daley of BD One Transportation, LLC; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 3/23/2020


Richard J. Cuttrell, Municipal Clerk

RESOLUTION #20-148 - 3/23/20

AUTHORIZE THE PURCHASE OF OFFICE FURNITURE THROUGH THE STATE
COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Chief of Police has recommended the purchase of office furniture for the Police Department 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, Kimball Office, Inc. has been awarded New Jersey State Contract No. A81628 for this item; and,

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

WHEREAS, the cost of this furniture shall not exceed \$45,000.00; and,

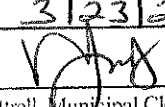
WHEREAS, funds for this purpose are available through Ordinance No. 19-39 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of office furniture for the Police Department through New Jersey Cooperative Purchasing Program Contract No. A81628 be and is hereby authorized at an amount not to exceed \$45,000.00; and,

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

CERTIFICATION

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COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 3/23/2020


Richard J. Cuttrel, Municipal Clerk

RESOLUTION #20-149 - 3/23/20

AUTHORIZE THE PURCHASE OF A POLICE VEHICLE THROUGH THE STATE
COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Chief of Police has recommended the purchase of a 2020 Ford Interceptor SUV police vehicle 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, Winner Ford has been awarded New Jersey State Contract No. A88728 for this vehicle; and,

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

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


WHEREAS, funds for this purpose are available through an insurance refund and for the first three months of 2020 in the 2020 Temporary Budget. Funds for the balance of 2020 will be provided in the Budget for the year 2020, when finally adopted, in the appropriation entitled Police 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 the purchase of a 2020 Ford Interceptor SUV police vehicle through New Jersey Cooperative Purchasing Program Contract No. A88728 be and is hereby authorized at an amount not to exceed \$35,000.00; and,

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

CERTIFICATION

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TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 3/23/2020


Richard J. Cuttrel, Municipal Clerk

RESOLUTION #20-150 - 3/23/20

AUTHORIZE USE OF STORM RECOVERY RESERVE FOR COSTS RELATED
TO THE COVID-19 RESPONSE, RECOVERY, AND MITIGATION

WHEREAS, in accordance with N.J.S.A. 40A:4-62.1, the Township of Neptune has established a storm recovery reserve to which unexpended balances budgeted for storm recovery may be lapsed into; and,

WHEREAS, following the declaration of an emergency by the President of the United States or the Governor of the State of New Jersey, a municipality may authorize the use of funds in the reserve for any purpose necessary to protect the safety, security, health, and welfare, of its citizens from the damage caused by the declared emergency; and,


WHEREAS, the Chief Financial Officer recommends that the use of storm recovery reserves in connection with the national emergency declared for the COVID-19 pandemic be authorized,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the use of the Township storm recovery reserve for response, recovery, and mitigation costs related to the COVID-19 pandemic as enabled by the declaration of a national emergency by the President of the United States; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 3/23/2020


Richard J. Cuttrell, Municipal Clerk

RESOLUTION #20-151 - 3/23/20

AWARD BID FOR IMPROVEMENTS TO OXONIA AND ANELVE AVENUES

WHEREAS, on March 16, 2020, the Township Engineering Consultant received bids for the award of a contract for improvements to Oxonia and Anelve Avenues; and,

WHEREAS, said bids were reviewed by the Consultant and the Township Engineer who has recommended that the bid be awarded to the lowest bid submitted by Fernandes 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, this project is being partially funded through a Community Development Block Grant and the Monmouth County Office of Community Development has approved the award of a contract to Fernandes Construction, Inc.; and,

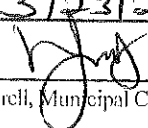
WHEREAS, funds for this purpose will be provided in Ordinances 17-21 and 19-28 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Fernandes Construction, Inc. on their lowest responsible of \$250,384.10 (which includes the base bid of \$177,359.10 and Alternate #1 bid of \$73,025.00) for improvements to Oxonia and Anelve Avenues; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 3/23/2020


Richard J. Cuttrell, Municipal Clerk

RESOLUTION #20-152 - 3/23/20

AUTHORIZE RENOVATIONS TO THE POLICE DEPARTMENT OFFICES THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY PURCHASING PROGRAM

WHEREAS, the Chief of Police wishes to authorize the renovations to the Police Department offices utilizing pricing through the Educational Services Commission of New Jersey 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 Educational Services Commission of New Jersey Purchasing Program has awarded Contract 16/17-54 GC3 to Murray Paving and Concrete - Gordian Job Order Contract #077391.00 for this purpose; and,

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

WHEREAS, the cost of these goods and services shall not exceed \$175,000.00; and,

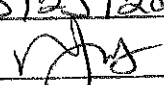
WHEREAS, funds for this purpose are available from Ordinance No. 19-39 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the renovations to the Police Department offices be and are hereby authorized through the Educational Services Commission of New Jersey Purchasing Program Contract 16/17-54 GC3 to Murray Paving and Concrete - Gordian Job Order Contract #077391.00 at an amount not to exceed \$175,000.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE ON 3/23/2020


Richard J. Cuttrell, Municipal Clerk

RESOLUTION #20-153 - 3/23/20

INTRODUCE 2020 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2020; and,

BE IT FURTHER RESOLVED, that said Budget be published in The Coaster in the issue of April 2, 2010,

General Appropriations

Appropriations within "CAPS" for Municipal Purposes	\$35,834,462.00
Appropriations excluded from "CAPS" for Municipal Purposes	\$7,683,078.65
Reserve for Uncollected Taxes based on Estimated 97.29% of Tax Collections	\$2,400,000.00
 Total General Appropriations	 \$45,917,540.65


General Revenues

Anticipated Revenues Other Than Current Property Tax	\$13,297,530.22
Amount to be Raised for Taxes for Support of Municipal Budget	\$31,220,939.43
Minimum Library Tax	\$1,399,071.00
 Total General Revenues	 \$45,917,540.65

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Committee of the Township of Neptune, County of Monmouth, on March 23, 2020. A hearing on the Budget and Tax Resolution will be held at the Neptune Township Municipal Complex, Township Meeting Room, 2nd Floor, 25 Neptune Blvd., Neptune NJ on April 27, 2020 at 7:00 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2020 may be presented by taxpayers or other interested persons.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 3/23/2020


Richard J. Cuttrell, Municipal Clerk

RESOLUTION #20-154 – 3/23/20

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	4,481,335.24
GRANT FUND	10,484.50
TRUST FUND	6,365.81
GENERAL CAPITAL FUND	188,915.00
SEWER OPERATING FUND	1,026,015.39
MARINA OPERATING FUND	703.48
DOG TRUST	69.60
LIBRARY TRUST	5,723.24
BILL LIST TOTAL	\$5,719,612.26

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 3/23/2020


Richard J. Cuttrell, Municipal Clerk