

TOWNSHIP COMMITTEE MEETING – AUGUST 23, 2021

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: Keith Cafferty, Robert Lane, Jr., Nicholas Williams, Tassie D. York, and Mayor Michael Brantley.

Also present 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 Coaster and the Asbury Park Press on May 27, 2021, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda is posted on the Township web site (www.neptunetownship.org) and the meeting is being streamed live via townhallstreams.com.

The following items were discussed in open session:

The Committee reviewed draft amendments to the noise ordinance. Mr. Anthony stated there are two types of ordinances pertaining to noise. If a municipality identifies as a noise ordinance, approval is required from the Department of Community Affairs. A decibel meter and certified operator is also required. The second type is considered a nuisance ordinance. In the example of the City of Asbury Park, their nuisance ordinance requires 200 feet from the source of the noise. In the Township's current ordinance, there are instances where a 25 foot buffer is required. He recommended modification to the current ordinance to tweak distances and make it easier to enforce by the Police Department. Mr. Anthony will prepare a draft and review it with Chief Hunt. The ordinance will also include time of day requirements. He added that the Committee also has the option of reviewing the liquor license through the license renewal process or a hearing.

The Committee reviewed draft amendments to the mercantile ordinance and to address mobile food vendors. Mr. Anthony will prepare a draft to specifically add a new section to address food vendors and add a definition section. Mr. Cafferty inquired about a requirement for maintenance logs for generators on food trucks. Mr. Anthony will research that. Mr. Lane asked that a requirement to post prices also be included.

Mr. Gadaleta stated that there has been an issue this summer with temporary dumpsters in the public right-of-way and on commercial property adjacent to residential property. The language in the document that Code Enforcement is using in regards to the placement of dumpsters is not consistent with Township ordinance. There is no clarity in the current ordinance about a dumpster on a commercial site as part of a commercial business where material from work sites is being transported. The current ordinance allows a property to have two dumpster permits per year for up to six months each for essentially an entire year. The Committee asked that Mr. Anthony prepare a draft amendment to look at these issues and make it workable for all.

Mr. Lane stated that the American Legion Post #346 will hold a 9-11 ceremony on September 11th.

Ms. York stated that the Ocean Grove Flea Market is September 11th and a car show is scheduled for September 18th.

Mayor Brantley will be periodically unavailable from August 28th to September 6th.

Mr. Gadaleta stated that the Township will provide a shuttle to the Flea Market from the Midtown Community School parking lot from 9am to 3pm. There is also a County wide event on September 11th in which people are being asked to go to the shoreline and turn on the lights of their mobile phones at 8:46 p.m.

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

Mr. Lane offered the following resolution, moved and seconded by Mr. Williams, 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:

Personnel – Vacancy on Fletcher Lake Commission

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: Cafferty, aye; Lane, aye; Williams, aye; York, aye; and Brantley, aye.

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

Mr. Lane reported that there are now two openings on the Fletcher Lake Commission with the resignation of Robert Scholz. The Committee took action by resolution to appoint a member during the business portion of the meeting.

Mr. Gadaleta stated that the engineering report on the Wesley Lake footbridges will be sent to the insurance carrier and the Township, in conjunction with the City of Asbury Park, will address the immediate concerns in the report.

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

Mayor Brantley called the regular meeting to order and requested the Clerk to call the roll. The following members were present: Keith Cafferty, Robert Lane, Jr., Nicholas Williams, Tassie D. York, 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 Coaster and the Asbury Park Press on May 27, 2021, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, ordinances, and resolutions are posted on the Township web site (www.neptunetownship.org) and the meeting is being streamed live via townhallstreams.com.

APPROVAL OF MINUTES

Mr. Williams offered a motion, seconded by Ms. York, to approve the minutes of the meeting held on July 26, 2021. All were in favor.

COMMENTS FROM THE DAIS

Mr. Lane stated that Richard Trumka, AFL-CIO Chief, passed away and recognized his contributions to organized labor. The 8th annual Pound the Pavement 5km will be held on September 25th, the Jersey Shore Dream Center will hold its annual Night of Dreams fundraiser on October 9th and the American Legion Post #346 will hold a 9-11 ceremony on September 11th. The Senior Center will return to pre-covid scheduling on September 7th. Upcoming events include a Hurricane Preparedness Seminar on September 1st, end of season barbeque on September 2nd, a HIV/AIDS presentation on September 17th and a vaccination clinic on September 8th. Mr. Lane thanked American Legion Post #346 and McDonalds for the backpack giveaways. He also attended the World of Faith Church community outreach event and the MURC backpack giveaway on August 28th.

Mr. Cafferty stated the Recreation summer programs went well and holiday events are already being planned. Work on the disk golf course at the former Welsh Farms site will begin in

September. He noted improvement in the geese situation at Wesley Lake.

Mr. Williams announced that the September library service and hours will continue the same as August. The Township dodged a bullet with the hurricane but the Township was ready. Some boats were pulled at the marina, but generally there were no impacts. The Township was fortunate because western Monmouth had a lot more rainfall from the storm.

Mayor Brantley attended the Word of Faith Church community outreach event. The Committee received 26 applications for the Assistant Business Administrator position, has narrowed it down to five, and in the process of moving forward. He read a statement regarding the Mayor's Ball. The Mayor was looking forward to raising funds for the proposed recreation center but because of covid, there will be no Mayor's Ball this year. He is following the science and with the new delta strain, he felt it important to protect the residents.

PUBLIC COMMENTS ON RESOLUTIONS

Mayor Brantley asked for public comments regarding resolutions presented on this agenda only. The public was permitted to speak one time with a limit of five minutes.

Hank Coakley, Valley Road, asked for more information on the resolution to approve a settlement agreement. Mr. Anthony replied that this was a lawsuit by Officer Davis that started in 2015. He was disciplined for certain things and he claimed discrimination and harassment. The case has gone on for years, was settled through the insurance carrier, and carrier is paying the amount of the settlement. Officer Davis is retiring as part of the settlement.

ORDINANCE NO. 21-39 - ADOPTED

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

ORDINANCE NO. 21-39

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

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

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

ORDINANCE NO. 21-40 - ADOPTED

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

ORDINANCE NO. 21-40

AN ORDINANCE TO AMEND CHAPTER II, ARTICLE II, SECTION 2-5 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED, "BUSINESS ADMINISTRATOR"

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

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

Mr. Cuttrell stated that the public hearings on Ordinances 21-41 and 21-42 will be held at the next regularly scheduled meeting on Monday, September 13, 2021.

ORDINANCE NO. 21-41 - APPROVED

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

ORDINANCE NO. 21-41

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON CENTRAL AVENUE AND REMOVING RESIDENT ONLY HANDICAPPED PARKING ZONES ON ASBURY AVENUE AND ATLANTIC AVENUE

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

ORDINANCE NO. 21-42 - APPROVED

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

ORDINANCE NO. 21-42

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY DESIGNATING ASBURY AVENUE AS A THROUGH STREET

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

CONSENT AGENDA

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

AUTHORIZE REVOCABLE LICENSE AGREEMENT WITH KRISTINE M. DENNIS, RESIDING AT 9 CEDAR PLACE; BLOCK 5203, LOT 13

WHEREAS, KRISTINE M. DENNIS, her successors and assigns, with property located at 9 Cedar Place Neptune Township, New Jersey, and more specifically identified as Block 5203, Lot 13, on the tax map of the Township of Neptune has requested a Revocable License Agreement be entered into between Neptune Township, and KRISTINE M. DENNIS, her successors and assigns, in Neptune Township concerning encroachment upon a Municipal Right-of-Way; and

WHEREAS, KRISTINE M. DENNIS, is seeking a license to provide and to maintain a retaining wall within the Municipal Right-of-Way, located on the Prospect Avenue side of the subject property, which the property owner intends to continue use of, subject to removal should the controlling authority have reasonable cause to believe that such an encroachment need to be removed from the aforesaid Municipal Right-of-Way, and subject to a Revocable License Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes a Revocable License Agreement with KRISTINE M. DENNIE, her successors and assigns, with property located at 9 Cedar Place, Neptune Township, New Jersey, and more specifically identified as Block 5203, Lot 3, Neptune Township, New Jersey, a true copy of said proposed Agreement is attached hereto as Exhibit "A," subject to the conditions of the Agreement and prior review of the Township Engineer and approval of this Agreement as a minor encroachment, with a one-time payment to the Township of Neptune of \$150.00 for preparation of the Revocable License Agreement for a minor encroachment, plus costs of recording of said Revocable License Agreement in the Clerk's Office of Monmouth County, paid to the Law Office of Gene J. Anthony, Esq., and subject to all other requirements in the aforesaid Revocable License Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the Agreement, and return to the Township Attorney for recording; and,

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

PLACE LIEN ON VARIOUS PROPERTIES

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

WHEREAS, the Director of Code Enforcement 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 Director of Code Enforcement 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>
3409/3	12 West Squirrel Road	\$ 540.00

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

AUTHORIZE THE CANCELLATION OF UDAG MORTGAGES ISSUED TO PATHWAY PARTNERS, LLC D/B/A PATHWAY MARKET

WHEREAS, the Township of Neptune holds two mortgages dated October 30, 2003 in the amounts of \$10,000.00 and \$5,000.00 in connection with a UDAG reciprocal loan granted to Pathway Partners, LLC d/b/a Pathway Market; and,

WHEREAS, the loan has been paid in full and the Township desires to cancel said mortgages,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute two cancellations of mortgages in connection with the UDAG reciprocal loan granted to Pathway Partners, LLC d/b/a Pathway Market, dated October 30, 2003, in the amounts of \$10,000.00 and \$5,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Grants Coordinator and RCA Attorney.

APPOINT SCHOOL CROSSING GUARDS FOR THE 2021-2022 SCHOOL YEAR

WHEREAS, there is a need for School Crossing Guards for the 2021-2022 school year; and,

WHEREAS, the Chief of Police and Human Resources Director have made their recommendation to rehire certain crossing guards that served during the 2020-2021 school year and add several individuals so that all crossings are covered; and,

WHEREAS, funds for this purpose are available in the 2021 municipal budget in the appropriation entitled Police 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 the following be and they are hereby reappointed as School Crossing Guards for the 2021-2022 school year and to perform such other duties as prescribed by the Chief of Police, at an hourly rate established by prior Resolution of the Township Committee:

Thomas Blewitt, Sr.	William Bloxon	Jeffrey Brenan	Carmelo Gonzalez
Gail Hepburn	Tonya Hill	Juanita Jones	Rosalee Lane
Barbara McGuire	Everett Mitchell	Chester Moreski	Pam Moreski
Loren Moses	Amelia Okpanachi	Robert Perkins	Alfreda Wright
Rose Ann Rode	Joseph SanFelice	Caroline Vandervort	Fred Kern
Kathleen Eldridge	Ernest Dickerson	Avis Williams	

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

AUTHORIZE EMERGENCY REPAIRS TO WASHOUT AT THE SUMMERWOOD TRUNKLINE LOCATED BEHIND SHOREBROOK CIRCLE

WHEREAS, on August 5, 2021, the Sewer Utility Supervisor advised of his discovery of a washout at the Summerwood trunkline located behind Shorebrook Circle; and,

WHEREAS, this washout was caused by a failure within the storm drainage system that has severely eroded the access road and caused significant undermining to two sanitary sewer lines which convey sewerage to the TNSA treatment plant; and,

WHEREAS, the Sewer Utility Supervisor has determined that an emergency exists and immediate repairs are necessary to prevent failure of the sanitary sewer lines which would result in discharge into the Jumping Brook waterway; and,

WHEREAS, Lucas Brothers, Inc. was called to the site and they determined that they could make the necessary repairs by the end of the next day; and,

WHEREAS, Lucas Brothers, Inc. provided a quote of \$16,500.00 to make the necessary repairs; and,

WHEREAS, funds for this purpose are available in Ordinance No. 19-29 (\$15,000.00) and Ordinance No. 20-19 (\$1,500.00), and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares that emergency conditions exist as the result of a washout and subsequent erosion at the Summerwood trunkline located behind Shorebrook Circle which threatens the failure of two sanitary sewer lines; and,

BE IT FURTHER RESOLVED, that based upon the recommendation of the Sewer Utility Supervisor, authorization for Lucas Brothers, Inc. to make the necessary repairs at an amount not to exceed \$16,500.00 be and is hereby confirmed; and,

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

EXTEND TEMPORARY SUSPENSION OF ENFORCEMENT OF CERTAIN PROVISIONS OF THE TOWNSHIP CODE TO PROVIDE LOCAL BUSINESSES WITHIN THE TOWNSHIP WITH EXPANDED OUTDOOR CAPACITY

WHEREAS, On June 15, 2020, the Township Committee adopted Resolution #20-210 to suspend enforcement of certain provisions of the Township Code to provide local businesses the ability to expand outdoor capacity in light on the on-going pandemic; and,

WHEREAS, the Township finds that an extension of the temporary suspension of enforcement of certain regulations within the Township will provide businesses with expanded space to operate for the protection of business owners, employees, customers, and Township residents;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune that the provisions of Resolution #20-210 be and are hereby restated and extended as follows:

(1) Nothing herein shall be construed or interpreted inconsistently with or in violation of any Executive Order issued by the Governor of the State of New Jersey, or any other law, rule, regulation, guideline, directive, or notice from any authority to which the Township is subject or would otherwise be bound or guided.

(2) Upon the lifting of restrictions upon restaurants/businesses, and in accordance with any guidelines issued by Federal, State, County and other authorities, restaurants/businesses with an active mercantile license and having a physical location within the Township may temporarily expand their existing operations through the use of outdoor space(s) owned by the business, including, but not limited to, backyards, side yards, parking lots, and patios, to provide additional space for proper social distancing during the re-opening of said businesses. This shall not include operating on the Township right-of-way.

(3) Upon the lifting of restrictions upon restaurants/businesses, and in accordance with any guidelines issued by Federal, State, County and other authorities, restaurants/businesses with an active mercantile license and having a physical location within the Township may temporarily expand their existing operations through the cooperative use or combination(s) of their existing space and operations for purposes that enhance social distancing, including, but not limited to, one

business allowing another to use unneeded space on its premises or two businesses cooperating to dedicate pick-up and drop-off space for customers.

(4) Upon the lifting of restrictions upon restaurants/businesses, and in accordance with any guidelines issued by Federal, State, County and other authorities, Township may temporarily close off portions of a municipal right-of-way or cart-way, subject to providing adequate pedestrian passage, to permit restaurants/businesses with an active mercantile license and having a physical location within the Township to temporarily expand their existing operations for purposes that enhance social distancing.

(5) Upon the lifting of restrictions upon restaurants/businesses, and in accordance with any guidelines issued by Federal, State, County and other authorities, restaurants/businesses with an active mercantile license and having a physical location within the Township may temporarily expand their existing operations into existing or adjacent indoor space(s) that may be vacant or otherwise prohibited from such use(s) for non-life hazard and non-safety reasons under the Township Code.

(6) Upon the lifting of restrictions upon restaurants/businesses, and in accordance with any guidelines issued by Federal, State, County and other authorities, the Township shall temporarily make all Township-owned outdoor spaces available to businesses with an active mercantile license and a physical location within the Township to utilize, including, but not limited to, educational or enrichment programs, recreational groups, health and wellness classes, and children's camps, for purposes that enhance social distancing.

(7) Upon the lifting of restrictions upon restaurants/businesses, and in accordance with any guidelines issued from Federal, State, County and other authorities, the Township shall temporarily permit restaurants/businesses with an active mercantile license and a physical location within the Township to display additional signage and advertisements in furtherance of the purposes set forth herein.

(8) Any restaurant/business with an active mercantile license and a physical location within the Township may seek approval for the use(s) and/or operation(s) described hereinabove through the process described for the submission of a Special Events Permit Application under Section 4-19 of the Township Code, and all provisions of said Section shall be applicable thereto, except that:

(a) Under Section 4-19.3 thereof, the initial decision on such application(s) shall be determined by Business Administrator, in consultation with the Zoning Officer, Code Enforcement Officer, or Chief of Police, as may be applicable.

(b) Under Section 4-19.6 thereof, the Zoning Officer, Code Enforcement Officer, and Chief of Police are hereby granted the concurrent power to revoke any such permit.

(9) Approved outdoor areas for restaurants/businesses shall be permitted to operate until 10:00 p.m. daily. No patrons are permitted to remain in the outdoor area for any reason after 10:00 p.m. Outdoor music shall not be permitted at any time.

(10) BYOB of beer, wine and malt beverages shall be permissible in the outdoor restaurant area. For establishments with an alcohol beverage consumption license, the establishment must apply for the COVID-19 outdoor expansion permit through the ABC's on-line licensing system and receive approval from the Chief of Police and Municipal Clerk.

(11) The Mayor and Township Committee hereby instruct and direct the Township's Zoning Officer, Code Enforcement Officer, and Chief of Police to interpret and construe any and all applicable provisions and conditions of Chapter 3: "Police Regulations" and Chapter 4: "Business & Licensing Regulations" and Chapter 13: "Streets and Sidewalks" and Chapter 23: "Parks and Recreational facilities" and the Township Land Use Ordinance to further the purposes set forth in this Resolution, provided that nothing herein shall be construed to limit the aforementioned Officers' lawful jurisdiction(s) or interfere with the aforementioned Officers' duties and responsibilities according to law.

(12) This Resolution shall take effect immediately for the purposes of receiving applications in anticipation of the re-opening of restaurants/businesses, provided, however, that no permits shall be issued and no modified business operations shall commence hereunder until such time as authorized by Federal, State, County and other applicable authorities. Any permit issued through the provisions of this resolution shall expire on December 31, 2021, unless rescinded by separate resolution, and any signage, improvements, tables, and chairs added as a result of this permit must be immediately removed.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Business Administrator, Emergency Management Coordinator, Zoning Officer, Code Enforcement Officer, Chief of Police, and as many Neptune businesses as is feasible for the Township Clerk.

AUTHORIZE TERMINATION OF NEPTUNE TOWNSHIP'S "CONDUIT" LEASE WITH THE STATE OF NEW JERSEY AT 1828 WEST LAKE AVENUE

WHEREAS, the Township, as part of the West Lake Redevelopment and the construction of a building at 1828 West Lake Avenue, entered into a Lease Agreement known as a "Conduit" Lease Agreement between the State of New Jersey and the owner of the subject property in order to allow the leasing of the subject property by the State of New Jersey; and

WHEREAS, the Township Committee adopted Resolution No. 17-434 on November 9, 2017 acknowledging that Cityworks West Lake, LLC as a Redeveloper entered into a Redevelopment Agreement with Neptune Township on June 13, 2005 with regard to the West Lake Redevelopment Area, and then a Lease Agreement with Neptune Township as a tenant on property located at 1800 – 1839 West Lake Avenue; and

WHEREAS, West Lake Neptune, LLC and West Lake Neptune II, LLC purchased the subject property and succeeded in interest to Cityworks West Lake, LLC as the Landlord of the subject property; and

WHEREAS, the new owner sought financing that required Neptune Township to execute a Subordination, Attornment and Non-Disturbance Agreement and Tenant Estoppel Certificate in 2017; and

WHEREAS, the circumstances requiring the "Conduit" Lease Agreement no longer exist, and it would be in the best interest of Neptune Township and to the Landlord/Owner to terminate the "Conduit" Lease Agreement by mutual consent. See new Lease Amendment attached hereto as Exhibit A.

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 authorizes the termination of any Lease Agreement involving Neptune Township and other parties located at 1828 West Lake Avenue, Neptune Township, effective the date of this Resolution; and

BE IT FURTHER RESOLVED, that the Township Committee hereby authorizes the Mayor and Clerk to execute any document necessary to finalize the aforesaid termination.

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

CONFIRM THE SALE OF TOWNSHIP OWNED PROPERTY SOLD AT AUCTION TO ADJOINING PROPERTY OWNER

WHEREAS, as authorized by Ordinance No. 21-17, the Township of Neptune conducted a public sale of non-conforming Township owned property to adjoining property owners only on June 30, 2021; and,

WHEREAS, said property was sold to the highest bidder who has submitted the required deposit,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the sale of the following property be and is hereby confirmed:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>PURCHASER</u>	<u>AMOUNT</u>
402/7	1324 10th Avenue	Juan Carlos Riano Zuniga	\$ 52,600.00

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute a Deed conveying each property and Affidavit of Title on behalf of the Township of Neptune, County of Monmouth, a municipal body corporate of the State of New Jersey.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney and Tax Assessor.

ACCEPT THE RESIGNATION OF ALEXIS PEREZ AS FULL-TIME ADMINISTRATIVE ASSISTANT TO THE CHIEF FINANCIAL OFFICER AND EXTEND OFFER OF EMPLOYMENT IN A TEMPORARY PART-TIME CAPACITY IN THE SAME TITLE

WHEREAS, the Chief Financial Officer has received a letter from Alexis Perez resigning as Administrative Assistant to the Chief Financial Officer effective August 20, 2021; and,

WHEREAS, the Chief Financial Officer has undertaken the process to interview and recommend a replacement for this position; and,

WHEREAS, in the interim, Alexis Perez is willing to work in this title on a part-time temporary as-needed basis to assist in the transition and training period as well as ensure that the Township's federal grant reporting is completed in a timely manner; and,

WHEREAS, the Chief Financial Officer recommends that this part-time temporary employment be authorized; and,

WHEREAS, funds for this purpose are available in the 2020 municipal budget in the appropriation entitled Financial Administration 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 the resignation of Alexis Perez as full-time Administrative Assistant to the Chief Financial Officer is hereby accepted effective August 20, 2021; and,

BE IT FURTHER RESOLVED, that an offer of employment be and is hereby extended to Alexis Perez as a part-time temporary Administrative Assistant to the Chief Financial Officer on an as-needed basis at an hourly rate of \$27.75 for the period from August 23, 2021 through December 31, 2021; 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.

ACCEPT THE RESIGNATION OF MARK MAXWELL AS A PART-TIME PROPERTY MAINTENANCE WORKER IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Human Resources Director has received a letter from Mark Maxwell resigning as a part-time Property Maintenance Worker in the Public Works Department effective August 16, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Mark Maxwell as a part-time Property Maintenance Worker in the Public Works Department is hereby accepted effective August 16, 2021; 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.

REAPPOINT SPECIAL LAW ENFORCEMENT OFFICERS IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

WHEREAS, in accordance with state regulations, it is required that existing Special Law Enforcement Officers (SLEO) be reappointed on an annual basis; and,

WHEREAS, the Chief of Police has made his recommendation on the reappointment of existing Special Law Enforcement Officers; and,

WHEREAS, funds will be provided in the 2021 municipal budget in the appropriation entitled Police 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 the following individuals be and are hereby reappointed as part-time Special Law Enforcement Officers and to perform such other duties as prescribed by the Chief of Police, for the period September 1, 2021 through August 31, 2022, at an hourly rate as established by prior resolution of the Township Committee:

SLEO Class I – Jacob Hartranft, Ryan Gallagher, Seamus McAnne, Connor McGhee, and Kristen Narciso

SLEO Class II – John Mattia, Charles Theodora, Michael Bonanno, Ryan Santos, Jaheem

Woods, Steve Kontigiannis, Michael Montenegro, and Vincent Galdieri.

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

AUTHORIZE EMERGENCY REPAIRS TO STORM WATER PIPE FAILURE AND SINK HOLES ON HILLSIDE DRIVE

WHEREAS, on August 9, 2021, the Assistant Township Engineer advised that the storm water pipe under Hillside Drive is failing and has resulted in the formation of sink holes along the roadway; and,

WHEREAS, the Assistant Township Engineer has determined that an emergency exists and immediate repairs are necessary to prevent continued erosion and sink holes and which would migrate further into the roadway or into adjacent private property; and,

WHEREAS, the Assistant Township Engineer deems it necessary to remove the existing storm water pipe, install new ductile iron pipe, reconstruct the inlets and manholes with the pipe replacement area, remove and replace the existing concrete curb and gutter and restore the trench with asphalt; and,

WHEREAS, Lucas Brothers, Inc. was called to the site and they determined that they could make the necessary repairs expeditiously to prevent further damage; and,

WHEREAS, Lucas Brothers, Inc. provided a quote of \$105,725.00 to make the necessary repairs and Atlantic Waterworks provided a quote of \$28,456.80 for the materials; and,

WHEREAS, funds for this purpose are available in Ordinance No. 20-19, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares that emergency conditions exist as the result of a storm water pipe failure and subsequent sinkholes on Hillside Drive between 48 Hillside Drive and Audrey Place which threatens further sinkholes on the roadway and on adjacent private property; and,

BE IT FURTHER RESOLVED, that based upon the recommendation of the Assistant Township Engineer, authorization for Lucas Brothers, Inc. to make the necessary repairs at an amount not to exceed \$105,725.00 and for Atlantic Waterworks to furnish the necessary materials at an amount not to exceed \$28,456.80, be and is hereby confirmed; and,

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

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT WITH THE CITIES OF ASBURY PARK AND LONG BRANCH FOR THE SUBMITTAL AND ADMINISTRATION OF A 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

WHEREAS, the Township of Neptune, City of Asbury Park, and City of Long Branch are eligible for a 2021 Edward Byrne Memorial Justice Assistance Grant which will provide a total of \$52,169 to the three municipalities for the purpose of purchasing communication equipment, information technology, surveillance and security technology along with the eligible related training and supplies to advance the public safety and the efficiency of the respective Police Departments; and,

WHEREAS, the Township of Neptune, City of Asbury Park, and City of Long Branch desire to enter into an Interlocal Service Agreement pursuant to N.J.S.A. 40:8A-1 et seq. to permit the three municipalities to apply, receive and administer said Grant, and,

WHEREAS, the Township of Neptune, City of Asbury Park, and City of Long Branch find that this Agreement is in the best interest of all parties and that the undertaking will benefit the public; and,

WHEREAS, the City of Asbury Park will apply for and administer the grant program funds at no cost and the Township of Neptune's share of the grant funding will be \$12,053,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Service Agreement with the City of Asbury Park and the City of Long Branch, a copy of which is on file in the Office of the Municipal Clerk, which provides for the joint application for the 2021 Edward Byrne Memorial Justice Assistance Grant; and,

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

EMPLOY PART-TIME YARD ATTENDANT IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, there is a need for a part-time Yard Attendant in the Public Works Department; and,

WHEREAS, the position was posted and the Public Works Director and Human Resources Director have made their recommendation; and,

WHEREAS, funds will be provided in the 2021 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, that the Township Committee of the Township of Neptune hereby extends an offer of employment to John Bassano as a part-time Yard Attendant in the Department of Public Works effective immediately, contingent upon favorable results of the required pre-employment screening and background check as applicable, at an hourly salary of \$16.72; and,

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

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect an overpayment; 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,

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
4901	19	BLAKE	218 SCHOCK AVE	2019	\$1,703.17
3001	18	DIDONATO	719 OLD CORLIES AVE	2021	\$1,556.00
2803	8	MOORE	625 MARION RD	2021	\$ 934.73
228	11	FLEISCHER	20 EMBURY AVE	2021	\$ 371.57
2512	8	SMITH	325 SHADOWLAWN DR	2021	\$ 405.69
2601	118	NORWOOD	618 GREEN GROVE RD	2021	\$ 498.46
2701	14	GALVAN	311 KAREN AVE	2021	\$1,024.16

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

APPROVE REMOVAL OF BOARD OF ADJUSTMENT MEMBER DUE TO ABSENTEEISM PURSUANT TO N.J.S.A. 40A:9-12.1

WHEREAS, N.J.S.A. 40A:9-12.1 establishes the basis for an office of any person appointed as being deemed vacant; and

WHEREAS, N.J.S.A. 40A:9-12.1(g) establishes that in any case where a member of a board fails to attend and participate at meetings of a public body for a period of eight consecutive weeks, or for four consecutive regular meetings, whichever shall be of a longer duration, the appointing authority may officially remove said member, construe the position as vacant, and fill the position or office for the unexpired term of said member, pursuant to N.J.S.A. 40A:9-12.1(h); and

WHEREAS, Ashley Vidal has missed four consecutive Board of Adjustment meetings between May, 2021 and August, 2021,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby finds the position held by Ashley Vidal on the Neptune Township Board of Adjustment to be vacant pursuant to N.J.S.A. 40A:9-12.1, as a result of the Township Committee's official action in removing Ashley Vidal from the Board of Adjustment for failure to attend four or more consecutive meetings in the year 2021 in accordance with N.J.S.A. 40A:9-12.1(g), effective with the adoption of this resolution, and shall separately, after the adoption of this resolution, fill the aforesaid positions for the unexpired terms in the manner prescribed by law; and,

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

APPOINT MEMBER ON THE BOARD OF ADJUSTMENT

WHEREAS, due to the removal of Ashley Vidal, a vacancy exists on the Board of Adjustment,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael Pullano, currently the Alternate #1 member to the Board of Adjustment, be and is hereby reclassified and appointed as a full member to the Board of Adjustment for an unexpired four-year term expiring December 31, 2021; and,

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

AUTHORIZE THE RESURFACING OF A PORTION OF HECK AVENUE THROUGH A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH

WHEREAS, the Director of Public Works has recommended the resurfacing of Heck Avenue between Neptune Boulevard and Doremus Way through the Shared Services Agreement with the County of Monmouth; and,

WHEREAS, the Township's Shared Services Agreement with the County of Monmouth includes equipment and labor for road resurfacing (price does not include the cost of asphalt); and,

WHEREAS, the County has quoted a price of \$24,313.16 for equipment and labor; and,

WHEREAS, the County is available to perform these services on August 23rd and August 24th to allow for the completion of the project prior to the start of the school year; therefore, this resolution will both authorize and confirm the purchase; and,

WHEREAS, funds for this purpose are available in Ordinance No. 20-19 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 resurfacing of Heck Avenue between Neptune Blvd. and Doremus Way be and is hereby authorized and confirmed through the Shared Services Agreement with the County of Monmouth at a cost of \$24,313.16 for equipment and labor; and,

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

AUTHORIZE THE PURCHASE OF ASPHALT FOR THE PAVING OF A PORTION OF HECK AVENUE THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Public Works Director has recommended the repaving of Heck Avenue between Neptune Boulevard and Doremus Way with the purchase of asphalt through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the labor and equipment will be provided through a Shared Services Agreement with the County of Monmouth; 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, Stavola has been awarded New Jersey State Contract No. T-0155 for asphalt; 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 the asphalt is \$74.77 per ton and the total cost shall not exceed \$98,000.00; and,

WHEREAS, funds for this purpose are available in Ordinance No. 20-19 and the Chief Financial Officer has so certified in writing,

WHEREAS, the purchase of this material has been made to allow for the completion of the

project prior to the start of the school year; therefore, this resolution will both authorize and confirm the purchase; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of asphalt for the repaving of Heck Avenue between Neptune Boulevard and Doremus Way be and is hereby authorized and confirmed through New Jersey Cooperative Purchasing Program Contract No. T-0155 awarded to Stavola at an amount not to exceed \$98,000.00; and,

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

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

APPOINT MICROGRID PROJECT DESIGN CONSULTANT

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

WHEREAS, the Township of Neptune desires to appoint a Microgrid Project Design Consultant 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 August 19, 2021 and desires to make an appointment from the proposals received; and,

WHEREAS, the Township executed a Memorandum of Understanding with the New Jersey Board of Public Utilities to accept a grant in the amount of \$526,100 to perform a Phase II TCDER Microgrid Design of the Neptune Township Advanced Microgrid Project; and,

WHEREAS, funds will be provided in the 2021 Municipal Budget through a grant received from the BPU TCDER Microgrid Incentive Program 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 with Greener by Design to serve as Microgrid Project Design Consultant at an amount not to exceed \$526,100 for a term until such project is completed in accordance with the grant requirements; and,

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

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

AUTHORIZE SETTLEMENT IN THE MATTERS OF DAVIS V. NEPTUNE, ET ALS., UNDER DOCKET NO. MON-L-004209-15; KYHEEM DAVIS V. NEPTUNE TOWNSHIP, ET ALS., UNDER APPELLATE DOCKET NO. A-001713-19; LAW DIVISION DOCKET NO. MON-L-685-18 AND DAVIS V. RICK CUTTRELL, CUSTODIAN OF RECORDS FOR THE TOWNSHIP OF NEPTUNE, ET ALS., UNDER DOCKET NO. MON-L-3316-20

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

WHEREAS, Plaintiff, Kyheem Davis, filed multiple actions as a Police Officer of the Neptune Township Police Department against Neptune Township alleging among other things discrimination; and

WHEREAS, it is the recommendation of the Neptune Township Insurance Carrier, Nationwide Insurance, on behalf of National Casualty Co., that all of the aforesaid matters be settled and paid by the Neptune Township Insurance Carrier; subject to the consent of the Neptune Township Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body hereby authorizes a settlement of all pending cases involving Kyheem Davis, as set forth in the caption of the Resolution; pursuant to the terms of a Settlement Agreement and General Release, a true copy of which is attached hereto and made a part hereof as

Exhibit A, and authorizes the Mayor and Clerk to execute the same once the original is received from the Plaintiff's attorney.

BE IT FURTHER RESOLVED, that this settlement authorization is made without prejudice with regard to any changes arising from actions taken by the Plaintiff or Defendants in this matter.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Cafferty offered the following resolution, moved and seconded by Ms. York, 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	15,847,143.19
GRANT FUND	21,161.77
TRUST FUND	20,463.20
GENERAL CAPITAL FUND	23,399.50
SEWER OPERATING FUND	1,084,538.58
SEWER CAPITAL FUND	313,327.34
MARINA OPERATING FUND	2,820.09
DOG TRUST	786.60
U.D.A.G. RECIPROCAL TRUST	2,289.14
LIBRARY TRUST	1,302.03
BILL LIST TOTAL	\$17,317,231.44

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: Cafferty, aye; Lane, aye; Williams, aye; York, aye; and Brantley, aye.

APPOINT MEMBER TO THE FLETCHER LAKE COMMISSION

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

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Linda Henderson be and is hereby appointed to the Fletcher Lake Commission as the Business Administrator's representative for an unexpired one year term expiring 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Fletcher Lake Commission.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Mayor Brantley asked for public comments. The public was permitted to speak one time with a limit of five minutes. Comments were as follows:

James McNamara, Asbury Avenue, in regards to Ordinance No. 21-42, asked what is meant by the designation of a through street. Mr. Cuttrell responded that a through street means that any street intersecting the through street automatically is a stop intersection. This would mean that Delaware Avenue and Pennsylvania Avenue would now have stop signs versus yield signs. Mr. McNamara stated that he has witnessed an increase in the number of calls traveling the wrong way on Asbury Avenue which is a one way street. Mr. Cuttrell will advise the Traffic Officer.

Kira Lang, 135 Clinton Place, stated that a safe bike lane is not possible on South Riverside Drive. More bikes will cause issues with pedestrians. There are more pedestrians than cyclists that use South Riverside Drive. She is concerned about the safety of the pedestrians and concerned about the ecosystem in the area of the proposed vistas. They will trap trash in that area. She asked the Committee consider these things before proceeding.

Sue Crosby, 431 South Riverside Drive, has owned her property since 2003 and there has been big growth in vehicular traffic since that time. There are plenty of places to observe the river without the need for vistas. There are three underutilized areas to view the river: municipal marina deck, green acres lot, and Volunteer Park. The area is congested now so she opposes the project.

Eileen Michaels, 15 Seaview Avenue, stated that debris is back at the North End lot and it is overgrown. She is concerned about vagrants and fire. She stated that no one on the dais is wearing a mask and many in the audience do not have a mask. She believes that everyone in the meeting room should have a mask.

Joan Venezia, Mt. Hermon Way, stated that nothing is going on at the North End. The Redevelopment Plan has no expiration date by the Planning Board resolution expired in March, 2022. Mr. Anthony could not confirm that deadline. She said that the Gannon's have two cherry pickers parked on Ocean Avenue for more than 30 days. This should not be allowed. Also, there is a light out in Firemen's Park. She asked if there was a limit of three cannabis establishments. Mr. Gadaleta replied that the ordinance limits the number to three.

Robert Lamont, Asbury Avenue, stated that he has been communicating about the fire lane at Asbury and New Jersey Avenues. There is erosion on the fire lane/pathway going towards the lake. He sent an email with his recommendation as to what the path should look like.

Gary Brown, asked that the noise ordinance be extended to all businesses including Shop-Rite and Exxon. In regards to the dumpsters, he asked that the Township prevent the overflow of dumpsters because material blows out of them when overfilled. He stated that Hoover Road was dug up by the gas company and is in bad shape. Mr. Gadaleta replied the NJDOT will require the utility to repair the road.

David Chernin, 136 Lawrence Avenue, stated that his residence is next to a commercial property on South Main Street owned by the Gannons. They have a large dumpster on the property that is right next to his house and it is being used as a transfer station. He was told that the Township cannot help because the ordinance is not specific enough to address this situation. Mr. Gadaleta stated that Mr. Anthony will be preparing an amendment to the dumpster ordinance to address this issue.

Ed Moller, 422 Couse Road, objects to the vista project and bike lane. The maintenance of the vistas is also not being addressed. With only one line in the street, bikes will be going against traffic. There are many more pedestrians than bicycles. This project creates the potential for lawsuits.

Joyce Klein, Mt. Hermon Way, asked Mr. Williams for a follow-up on yard waste being picked up and placed in a garbage truck. Mr. Williams will get back to Ms. Klein.

Cindy Nelson, 209 Highland Avenue, stated that everyone is aware of the recent tragedy in Shark River Hills. She saw another child on a motorized scooter near the Cracker Barrel. Motorized scooters should require a driver's permit. She also asked the Township to enforce the helmet law. Her granddaughters are learning about the ecosystem along the river. She asked the Committee not to destroy it with vistas which will attract traffic and garbage. The first vista is redundant because it is next to the bridge and you can park near the location of the second vista. The marina building is underused. In regards to the bike lane, bicyclists go too fast and we do not need more bikes.

Domingo Encarnacion, 136 Lawrence Avenue, stated that he spoke to Mr. Williams and met with Mr. Gadaleta and provided pictures of the dumpsters near his home. Garbage is being dumped all day long such that he cannot sit outside of his home. There is a dust cloud of garbage that is created. He stated that he emailed Ms. York but she did not respond. Ms. York replied that she forwarded his email to Mr. Gadaleta and Bill Doolittle, Construction Official. She is concerned about

the issue and would not want to live near there either.

Roger Wenzek, 507 S. Riverside Drive, spoke against the vistas. They are a waste of money because there are plenty of places to view the river. They will attract garbage and fisherman will be dropping things nearby. South Riverside Drive is too narrow from snake hill to Brighton Avenue for a bike lane.

Richard Williams, 1 Abbott Avenue, stated that he had to call the police because of noise coming from the Gannon house at 3:30 a.m. He asked if the noise ordinance only allows a 25 foot buffer for loud noise. Mr. Anthony replied the 25 foot buffer is only for a specific situation which is commercial property adjacent to a residential zone. The ordinance covers all areas and is need of clarification. Mr. Williams confirmed that cherry pickers have been parked on Ocean Avenue near his home all summer. He asked for an update on the Green Team and status on Ocean Grove parking. Mr. Cafferty stated that he has a list of interested residents for the Green Team which he will present at the next meeting. He added that a meeting of the Parking Committee is upcoming.

Bill Burdge, 114 Durand Avenue, stated that the bike path is no good, there is not enough room at the top of snake hill and someone will get hurt. South Riverside Drive is also crowded with vehicles and pedestrians at the Yacht Club and near the Cracker Barrel.

Jill Cox, 20 Waterview Court, appreciates the efforts to amend and enforce the noise ordinance. If the Stone Pony shuts down at 10:00 p.m., the Township should be able to set a time for loud music to stop. The situation has improved in her neighborhood but she feels there need to be a specific time when the music has to stop. Mr. Williams asked if she has contacted the owner of the Headliner when there is loud noise, as the owner requested. Ms. Cox stated it should not be up to her to address it with the owner.

Hank Coakley, Valley Road, opposes the vistas. There are seven places in Shark River Hills where you can view the river. The Township should spend the money on dredging the historic channels.

Elaine Bodine, Vernon Avenue, objects to the vistas. It will encourage kids to jump off the vistas into shallow water. The Township should protect the river. There are still remnants of the destroyed old boardwalk along the shoreline and a storm could also destroy the vistas.

Carl Bodine, Vernon Avenue, opposes the vistas and bike lane. There are numerous safety concerns with the proposal. He appreciates the efforts to do something for the river, but the river is dying. There are more important things to address. The proposed streets are not safe for a bike lane.

Dutch Atkins, 325 Tremont Avenue, stated that he sees baby carriages, kids, and pets all of the time on South Riverside Drive. A bike lane would not be safe. It is very dangerous to consider a bike lane and vistas at this location.

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

Richard J. Cuttrel,
Municipal Clerk