

TOWNSHIP COMMITTEE MEETING – SEPTEMBER 27, 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 (via phone), 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 discussed the process for reviewing and approving cannabis licenses. Mr. Anthony stated the ordinance allows for the approval of three licenses. The Township has to establish a process for reviewing license application for zoning approval and any objections. The Committee has the option of hearing the applications as a full body, allowing the Business Administrator to serve as the point person, or creating a Sub-Committee of two Committee members and staff. The Committee agreed to a Sub-Committee comprised of Mayor Brantley, Mr. Williams, Mr. Gadaleta, George Waterman and Bernie Haney. They asked that an internal review by employees take place initially to vet the applications before review by the entire Sub-Committee.

Michele Narciso, was present to discuss revisions to the mobile food vendor ordinance. Ms. Narciso recommends removing the mobile food vendor regulations from the door-to-door solicitor regulations and create two separate ordinances. This would eliminate approval to people selling items out of vehicles at random locations. Mr. Anthony agreed that two separate ordinances is acceptable. The Mayor mentioned that he knows of two individuals who have been selling vegetables streetside for years. Ms. Narciso stated that practice is not legal under the current ordinance. Mr. Anthony confirmed that all itinerant mobile merchants would not be permitted under the proposed ordinances. Mr. Anthony will prepare drafts of two ordinances as suggested by Ms. Narciso. Mr. Cafferty asked that noise from generators be addressed. Mr. Anthony stated that he added language requiring generators to be in good working order. Ms. Narciso added that her proposal requires that generators must be in the vehicle, not separate and free standing. She also asked the Committee to set a limit of 25 mobile food vendor licenses annually.

The Committee reviewed proposed changes to the dumpster ordinance. Mr. Anthony stated that the current ordinance was adopted in 2007 in the land use section of ordinances. He believes this should be in the general code. He looked at 25 different ordinances and prepared an amendment which takes various sections of many of those. He reviewed comments submitted by Bill Doolittle. There was discussion on the length of the dumpster permit, hardship approval, and an incentive for a one week approval at no cost. Ms. York indicated approval of the draft changes submitted by Mr. Anthony. Mr. Gadaleta asked that language in the current ordinance be retained regarding weekend removal in the summer in Ocean Grove and minimum distance from dumpster to opposite curblane. The Committee also agreed on a 60 day permit period with option for 60 day extension, no debris being brought in from other job sites, proof of insurance, safety requirements when placed in the roadway and a fee split of \$30 for residential/\$300 for commercial use.

The Committee reviewed a draft of a nuisance ordinance for noise. Mr. Anthony stated that a true noise ordinance requires a decibel meter along with certified equipment and users. Most municipalities have a nuisance ordinance that includes noise. He reviewed the Asbury Park ordinance which includes a time stop provision. In Mr. Anthony's draft, he proposes that a noise is a nuisance if it can be heard 100 feet or more from the source. Police Chief Hunt had raised questions about the various distances in the current ordinance as well as a recommendation to include hours. Mr. Anthony believes the Asbury Park ordinance is better with a 100 foot rule and applicability 24 hours a day. Mr. Williams recommends that the Police Committee review the draft with the Police Command Staff and Mr. Anthony and come up with a final draft.

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 – Promotions and new hires
Personnel – SLEO off-duty assignments rate and Body Worn Camera Hire
Personnel – Appointment to Fletcher Lake Commission
Personnel – Employee grievance
Personnel – Employee covid policies
Litigation – Approval of insurance settlements

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.

The Committee reviewed three recommended job reclassifications of existing employees and took action by resolution on all three during the regular business portion of the meeting.

Mr. Gadaleta recommended an increase in the rate for off-duty assignments for Special Law Enforcement Officers. The Committee will consider a resolution at the next regular meeting. Mr. Gadaleta also stated that a person is needed to manage the data generated by the body worn camera program. It will be a significant amount of work and the Police Chief is recommending a retired police officer who could be hired as a Supervising Special Law Enforcement Officer. The Committee will review the recommendation for this position at the next regular meeting.

Mr. Lane recommended Pamela Reinhardt for appointment to the Fletcher Lake Commission and took action by resolution during the regular business portion of the meeting.

Greg Pasquale, Labor Attorney, reviewed a draft covid vaccination policy for Township employees. After discussion, the consensus of the Committee was to enact a policy effective October 15th that will require employees to provide proof of vaccination or submit a negative covid test once a week. The requirement for masks for employees previously in effect will be restored.

Mr. Anthony reviewed two insurance settlements from the insurance carrier that will be paid for through insurance funds. The Committee took action by resolution during the regular business portion of the meeting.

The Committee discussed the settlement of a NJDEP fine against the Township for failure to file required reports on the fuel tanks located in the Public Works Yard. The Committee consented to agreeing to the terms of settlement by which the Township will pay \$11,250. A resolution confirming such action will be on the next regular meeting.

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 (via phone), 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 Mr. Cafferty, to approve the minutes of the meetings held on August 23, 2021 and September 7, 2021. All were in favor.

PROCLAMATION

The Mayor proclaimed the month of September as Childhood Cancer Awareness Month in the Township of Neptune. The Mayor and Mr. Williams presented the proclamation to Zander Domberg, a 13-year old resident and pediatric cancer survivor. Zander read a statement on the importance of raising awareness of childhood cancer until a cure can be found.

COMMENTS FROM THE DAIS

Mr. Lane attended numerous events for the 20th anniversary of the 9-11 terrorist attacks. There was a ceremony at Gables Park where Molly Berkowitz and Lou Rochelle were remembered. They both responded to the World Trade Center collapse and later succumbed to illness as a result. He also participated in the Light the Shore event where people gathered along the shore and lit their cell phones towards New York. He presented a proclamation to Word of Faith Church and attended the Pound the Pavement 5km run. The Jersey Shore Dream Center Night of Dreams event is sold out. The Fight to Unite event will be held on October 2nd at Town Hall. The Ajee Wilson track dedication is October 12th and Homecoming is October 16th. The Senior Center is back to pre-covid activities. He thanked the County of Monmouth for the donation of a bus to the Senior Center. The Octoberfest event is planned for the Senior Center as well as a Craft Show during the end of November. Finally, he reminded everyone that early voting will take place at the Senior Center from October 23rd to October 31st.

Ms. York extended condolences to Mr. Williams on the loss of his mother. She attended various events in remembrance of 9-11. On September 23rd, she attended a meeting with Ocean Grove residents to discuss parking.

Mr. Cafferty attended the Ocean Grove parking meeting. He is happy with the progress and looks forward to the next meeting.

Mr. Williams stated that his mother passed away at 93 years old on September 11th. The marina is winding down for the season with boats being removed for winter storage. The Public Works Department is going into the Fall cycle and preparing for leaf collection.

Mayor Brantley had no report.

BUSINESS ADMINISTRATOR'S REPORT

Mr. Gadaleta provided an update on Township projects as follows:

Seaview Island Living Shoreline Project is complete.

Mr. Gadaleta was invited to speak before the Ocean Grove Homeowners Association on September 25th. There was a nice turnout both live and on Zoom.

South Riverside Drive Living Shoreline Project is still currently on hold as we await review of our final permit by the Army Corps of Engineers. They have requested additional documentation which we are providing. We have requested a further extension from FEMA through 12/31/2022.

Bikeway/Vista Project in Shark River Hills will be considered for cancellation this evening when the Township Committee entertains a resolution for adoption.

The Route 66/Green Grove Road Draft Redevelopment Plan has been completed by our Township Planner. This Draft Plan was provided to our Redevelopment Committee and Redevelopment Counsel for review and comments. The Redevelopment Committee met and

minor revisions will be made, after which the Draft Redevelopment Plan will be placed on the Township website for public review. The Township Committee may consider an enabling ordinance approval in November.

M&M Properties, former Coca Cola Site, at Asbury Circle, was before the Planning Board September 22. The application has been carried to the Planning Board's October meeting.

The Township Committee will entertain a resolution this evening to award Engineering Services contract for four capital projects; Municipal Complex stairs and sidewalks, SRHFAS and NFAS driveway improvements and improvements to Ocean Grove Veterans Memorial Park.

The Redevelopment Committee met last week to discuss a number of matters including, West Lake Avenue, Waterfront, High Tech (former), as well as the two new redevelopment areas; Gateway (Routes 33 & 35) and Green Grove Road/Route 66.

Township staff will be meeting with representatives of American Littoral Society to get some expert opinions on the possible development of a living shoreline project at Fletcher Lake to address the current retaining wall issues.

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.

Cindy Nelson, thanked the Committee for the resolution to cancel the bike path/vistas project in Shark River Hills. The Committee was unselfish in putting this forward and she admires the amount of time that the Committee members put into the Township.

Hank Coakley, Valley Road, asked why the Township is buying garbage trucks through an educational group and why only the cab and chassis. Mr. Gadaleta replied this is through a purchasing cooperative and it is less costly to split the purchase of the cab and chassis from the truck body. Mr. Coakley asked if the resolution to purchase ammunition was for a gun permit card. Mr. Gadaleta responded that the purchase is for ammunition for the Police Department to use in training and qualifying.

ORDINANCE NO. 21-41 - ADOPTED

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

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 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. 21-42 - ADOPTED

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

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 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. 21-43 - APPROVED

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

ORDINANCE NO. 21-43

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO DELETE SECTION 9-29.1 CONTAINING THE TABLE OF CONTENTS OF THE TOWNSHIP'S PERSONNEL POLICY GUIDEBOOK

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

CONSENT AGENDA

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

AUTHORIZE AN AMENDMENT TO THE 2021 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2021 in the sum of \$80,062.68 which is now available from a Federal Emergency Management Agency (FEMA) Tropical Storm Isaias reimbursement in the amount of \$80,062.68; and,

BE IT FURTHER RESOLVED that the like sum of \$80,062.68 is hereby appropriated under the caption of Storm Trust; and,

BE IF FURTHER RESOLVED, that the above is the result of funds received from the Federal Emergency Management Agency (FEMA) in the amount of \$80,062.68; and,

BE IT FURTHER RESOLVED, that the Clerk forward three certified copies of this resolution to the Chief Financial Officer and one copy to the Assistant C.F.O., and Auditor.

ACCEPT THE RESIGNATION OF ROBERT SCHOLZ AS A MEMBER OF THE FLETCHER LAKE COMMISSION

WHEREAS, the Fletcher Lake Commission has received an email from Robert Scholz resigning as a member of the Fletcher Lake Commission effective immediately,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Robert Scholz as a member of the Fletcher Lake Commission is hereby accepted effective immediately; and,

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

AUTHORIZE USE OF RIGHT-OF-WAY IN THE TOWNSHIP OF NEPTUNE BY CABLEVISION AND A REVOCABLE LICENSE AGREEMENT TO MAINTAIN A TELECOMMUNICATION CABINET IN THE MUNICIPAL RIGHT-OF-WAY

WHEREAS, the Township Committee of the Township of Neptune, New Jersey ("Township") has received a request from Cablevision to install cable and a communications cabinet in the

Municipal Right-of-Way on Essex Road from Rt. 66, across from 420 Brighton Avenue, Block 5013, Lot 1; and

WHEREAS, said installation shall provide telecommunication services and other services as Cablevision may deem necessary, desirable or appropriate to the residents of the Township; and

WHEREAS, Cablevision, a cable television company and contractor with an address of 40 Pine Street, Tinton Falls, New Jersey, is authorized to provide such services to the Township pursuant to an Order dated December 19, 2017 issued by the New Jersey Board of Public Utilities; and

WHEREAS, the granting of such a consent shall be conditional upon Cablevision entering into a License Agreement for purposes of operating, repairing, and maintaining and if necessary, replacing an intended installed fiber optic cabinet in the Municipal Right-of-Way between utility poles JC120NT & JC121NT.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorizes Cablevision, with an address of 40 Pine Street, Tinton Falls, New Jersey, the non-exclusive consent to occupy the Municipal Right-of-Way within the Township of Neptune for purposes of construction and installation of cable and a fiber optic cabinet across from 420 Brighton Avenue, Block 5013, Lot 1 between utility poles JC120NT & JC121NT; with a true copy of the Tax Map drawing showing the aforesaid location of the intended cabinet made a part hereof, and further authorizes a Revocable License Agreement with Cablevision, a true copy of the proposed Agreement of which is on file in the Office of the Municipal Clerk; establishing the terms and conditions for such placement of said cabinet, with payment to the Township of Neptune of \$300.00 to cover legal fees, and a payment to Gene J. Anthony, Esq. in the amount of \$160.00 for recording of the document in the Clerk's Office of Monmouth County, and subject to all permits and Zoning compliance.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the aforesaid Revocable License Agreement once executed by Cablevision and proper fees have been received, and return to the Township Attorney and 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.

ACCEPT THE RESIGNATION OF KATHRYN KELLY AS A SCHOOL CROSSING GUARD

WHEREAS, the Chief of Police has received a letter from Kathryn Kelly resigning as a School Crossing Guard effective August 11, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Kathryn Kelly as a School Crossing Guard is hereby accepted effective August 11, 2021; 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 Human Resources Director.

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>
5002/12	405 Moore Road	\$ 269.75
504/16	45 Ridge Avenue	350.00
270/9	103 Franklin Avenue	586.00
904/4	2022 West Bangs Avenue	292.50
201/2	94 Lawrence Avenue	681.56
301/8	200 Atkins Avenue	455.00
5408/17	425 S. Riverside Drive	410.00

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

CONFIRM THE RECEIPT OF THE ANNUAL REPORT OF AUDIT FOR THE TOWNSHIP OF NEPTUNE FOR THE YEAR 2020

WHEREAS, N.J.S.A 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

Auditor's Opinions
Schedule of Findings and Questioned Costs
Schedule of Findings and Recommendations
General Comments

and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

Auditor's Opinions
Schedule of Findings and Questioned Costs
Schedule of Findings and Recommendations
General Comments

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, such resolution of certification shall be adopted by the Governing body no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S.52:27BB-52 - " A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand (\$1,000.00) or imprisoned for not more than one year, or both, in

addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune, hereby states that if it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

DECLARE INTENT OF THE TOWNSHIP COMMITTEE TO NO LONGER PURSUE THE SOUTH RIVERSIDE DRIVE BICYCLE/PEDESTRIAN PATH AND VISTAS PROJECT

WHEREAS, the Township received funding through a New Jersey Department of Transportation Federal Aid TAP Grant for a bicycle/pedestrian path and viewing vistas on South Riverside Drive; and,

WHEREAS, the Township received bids for the bicycle/pedestrian path and was unable to award a bid due to non-compliance with the bid documents by all bidders; and,

WHEREAS, since that time, the NJDEP rescinded the permits for the project and are requiring that the Township repeat the permitting process; and,

WHEREAS, a public notice went out to nearby property owners regarding the plans for the bicycle/pedestrian path and two vistas along the Shark River; and,

WHEREAS, the Township Committee has received feedback from interested residents who are overwhelmingly in opposition to the project,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares its intent to no longer pursue the South Riverside Drive bicycle/pedestrian path and vistas project and hereby directs the appropriate Township Departments and Engineering Consultant to no longer commit human or financial resources towards advancement of the project; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator and Township Engineering Department.

AUTHORIZE DISBURSEMENT OF \$337,500.00 FROM HOPE TOWER ESCROW TO NEPTUNE TOWNSHIP AS AN AFFORDABLE HOUSING FEE WITH THE BALANCE OF SAID ESCROW RETURNED TO JERSEY SHORE UNIVERISTY MEDICAL CENTER/HOPE TOWER

WHEREAS, by Resolution #16-364, approved by the Township Committee on August 8, 2016, a Developer's Agreement was approved for the construction of the Hope Tower Building Project on Davis Avenue (Block 1201, Lots 4 and 5); and

WHEREAS, the Developer's Agreement was entered into between the parties on August 15, 2016; and

WHEREAS, as a result of an issue concerning the appropriate Affordable Housing Fee being repaid to the Township by the Developer, an Escrow Agreement was entered into between the parties on June 5, 2018; wherein \$1,500,000.00 was turned over to the Escrow Agent, Peter S. Falvo, Jr., Esq. of the Law Firm of Ansell, Grimm & Aaron, 1500 Lawrence Avenue, CN7807, Ocean Township, New Jersey 07712; and

WHEREAS, termination and disbursement of the funds to the appropriate parties in appropriate amounts was to occur based on termination of the Affordable Housing Escrow Agreement with the Affordable Housing fee to be paid to the Township either by settlement between the parties, a Court Order concerning the Affordable Housing Fee, determination by COAH or its successor entity, a settlement mutually agreed upon between the parties or legislation determining the appropriate apportionment; and

WHEREAS, based on the mutual agreement between the parties, Hope Tower shall pay 2.5% of the non-hospital uses to the Affordable Housing Fund, or \$337,500.00; taking into consideration that portion of the Hope Tower building which has property assessed value of \$13,500,000.00; resulting in a mandatory fee of 2.5% or \$337,500.00; and

WHEREAS, the balance of the Escrow Account shall be released to Jersey Shore University Medical Center/Hope Tower.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk

hereby authorize the termination of the Escrow Agreement with regard to Affordable Housing Fees, entered into on June 5, 2018, with the Escrow Agent releasing the Township's Affordable Housing Fees in the amount of \$337,500.00 for the Neptune Township Affordable Housing Fund, and the balance of all remaining monies being held in escrow released to Jersey Shore University Medical Center/Hope Tower, and said funds shall be released within 30 days of receipt of this Resolution; and,

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

EMPLOY SPECIAL LAW ENFORCEMENT OFFICERS – CLASS I AND CLASS II IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

WHEREAS, there is a need for Special Law Enforcement Officers – Class I and Class II in the Police Department on a part-time hourly basis; and,

WHEREAS, the positions were duly posted and applicants have been interviewed; and,

WHEREAS, the Chief of Police and Police Committee have made their recommendations; 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 employed as part-time Special Law Enforcement Officers – Class I and Class II, as indicated, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, and effective upon successful completion of the required Special Law Enforcement Officer training at the Monmouth County Police Academy at an hourly rate of \$18.39 for Class I officers and \$22.29 for Class II officers:

- Bret Levinson – Class II
- Anthony Firreno – Class II
- Mijaut Berry – Class I
- Bryan Bolch – Class I
- Malik Jenkins – Class I
- Sheena Benites – Class I

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

AUTHORIZE REPLACEMENT OF CAMERA AND TIMER AT THE NEPTUNE BOULEVARD AND HECK AVENUE TRAFFIC SIGNAL

WHEREAS, the Police Department has recommended the purchase and replacement of the 4 way fish camera and timer at the traffic signal located at Neptune Boulevard and Heck Avenue through the Monmouth County 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, Techna-Pro Electric, LLC has been awarded a contract through the Monmouth County Cooperative Purchasing Program for this equipment; 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 equipment shall not exceed \$30,000.00; and,

WHEREAS, funds for this purpose are available from an insurance refund 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 and replacement of the 4 way fish camera and timer at the traffic signal located at Neptune Boulevard and Heck Avenue be and is hereby authorized from Techna-Pro Electric, LLC through the Monmouth County Cooperative Purchasing Program at an amount not to exceed \$30,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Chief of Police, Purchasing Agent, and Auditor.

AUTHORIZE THE PURCHASE OF BULLETPROOF VESTS FOR THE POLICE DEPARTMENT THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Police Department recommends the purchase of Armor Express Razor III bulletproof vests utilizing pricing 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, Lanigan Associates has been awarded New Jersey State Contract No. 17-FLEET-00763 for this equipment; 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 equipment shall not exceed \$31,000.00; and,

WHEREAS, funds for this purpose are available from Federal Bulletproof Vest funds (\$15,500.00) and NJ Body Armor Replacement Fund (\$15,500.00) 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 Armor Express Razor III bulletproof vests from Lanigan Associates through New Jersey Cooperative Purchasing Program Contract No. 17-FLEET-00763 be and is hereby authorized at an amount not to exceed \$31,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Chief of Police, Purchasing Agent, and Auditor.

AUTHORIZE THE PURCHASE OF AMMUNITION FOR THE POLICE DEPARTMENT THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Police Department recommends the purchase of ammunition utilizing pricing 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, Eagle Point Gun/TJ Morris & Son has been awarded New Jersey State Contract No. 17-FLEET-00721 for this equipment; 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 equipment shall not exceed \$20,000.00; and,

WHEREAS, funds for this purpose are available in the 2021 municipal budget 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 ammunition from Eagle Point Gun/TJ Morris & Son through New Jersey Cooperative Purchasing Program Contract No. 17-FLEET-00721 be and is hereby authorized at an amount not to exceed \$20,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Chief of Police, Purchasing Agent, and Auditor.

EXTEND UNPAID LEAVE OF ABSENCE

WHEREAS, by adoption of Resolution #21-282, Diana Pajak, Departmental Secretary in the Code/Construction Department, requested an unpaid leave of absence from July 7, 2021 to August 31, 2021; and,

WHEREAS, she has requested an extension until October 14, 2021

WHEREAS, the Human Resources Director has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Diana Pajak, Department Secretary in the Code/Construction Department, is hereby granted an extension of her unpaid leave of absence from September 1, 2021 to October 14, 2021; and,

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

RECLASSIFY EMPLOYEE TO THE POSITION OF ADMINISTRATIVE ASSISTANT TO THE CHIEF FINANCIAL OFFICER

WHEREAS, due to the resignation of Alexis Perez, there is a vacancy in the position of Administrative Assistant to the Chief Financial Officer; and,

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

WHEREAS, the Chief Financial Officer has made a recommendation to reclassify an existing full-time Bookkeeper to said position; and,

WHEREAS, funds will be provided for the 2021 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 Lisa Mansfield be and is hereby reclassified to the position of Administrative Assistant to the Chief Financial Officer at an annual salary of \$43,000.00 effective October 1, 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Human Resources Director, and AFSCME Local #1844.

RECLASSIFY EMPLOYEE TO THE POSITION OF ACCOUNTANT IN THE TAX COLLECTION DEPARTMENT

WHEREAS, there is a vacancy in the position of Accountant in the Tax Collection Department; and,

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

WHEREAS, the Human Resources Director and Tax Collector have made a recommendation to reclassify an existing full-time Bookkeeper to said position; and,

WHEREAS, funds will be provided for the 2021 Municipal Budget in the appropriation entitled Revenue 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 Melanie Manning be and is hereby reclassified to the position of Accountant in the Tax Collection Department at an annual salary of \$37,674.22 retroactive to April 1, 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Deputy Tax Collector, Chief Financial Officer, Assistant C.F.O., Human Resources Director, and AFSCME Local #1844.

RECLASSIFY EMPLOYEE TO THE POSITION OF PAYROLL ACCOUNTANT IN THE FINANCE DEPARTMENT

WHEREAS, there is a vacancy in the position of Payroll Accountant in the Finance Department; and,

WHEREAS, the Human Resources Director and Chief Financial Officer have made a recommendation to reclassify an existing full-time Accountant who is already performing the duties of this title; and,

WHEREAS, funds will be provided for the 2021 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 Courtney Langer be and is hereby reclassified to the position of Payroll Accountant in the Finance Department at an annual salary of \$46,145.61 effective September 28, 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Human Resources Director, and AFSCME Local #1844.

ACCEPT THE RESIGNATION OF LEVAR WRIGHT AS A DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Human Resources Director has received a letter from Levar Wright resigning as a Driver in the Department of Public Works effective October 1, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Levar Wright as a Driver in the Department of Public Works is hereby accepted effective October 1, 2021; 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., Human Resources Director, and AFSCME #2792.

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PERFORM ENGINEERING SERVICES IN CONNECTION WITH VARIOUS CAPITAL PROJECTS

WHEREAS, the Township of Neptune desires to initiate four capital projects on municipal buildings and properties; specifically, Neptune First Aid driveway and sidewalks; Shark River Hills First Aid driveway, sidewalks, and drainage; Municipal Complex front entry stairs, planters, sidewalks and flagpoles; and Broadway Memorial Park sidewalks and monument repointing; and,

WHEREAS, it is necessary for a Township Engineer Consultant to perform professional engineering services including design, public bidding, construction administration/observation in connection with these project; and,

WHEREAS, the Township Engineer solicited proposals for said services from engineering firms in the 2021 engineering pool; and,

WHEREAS, Leon S. Avakian, Inc. submitted the lowest quote and has experience in this type of work; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 21-30, 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 Leon S. Avakian, Inc. to perform the services as stated herein as Township Engineering Consultant, said proposal on file in the Office of the Municipal Clerk, at an amount not to exceed \$23,500.00 for the following capital projects: Neptune First Aid driveway and sidewalks; Shark River Hills First Aid driveway, sidewalks, and drainage; Municipal Complex front entry stairs, planters, sidewalks and flagpoles; and Broadway Memorial Park sidewalks and monument repointing; and,

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

AUTHORIZE PURCHASE AND INSTALLATION OF AN ELECTRONIC MESSAGE SIGN AT THE SENIOR CENTER

WHEREAS, the Purchasing Agent solicited quotes for the design, manufacture and installation of a Watchfire electronic message sign at the Senior Center; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Purchasing Agent and Senior Center Director who have recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 20-13, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Effective Sign Works be and is hereby authorized to design, manufacture and install a Watchfire electronic message sign at the Senior Center pursuant to their quote of not to exceed

\$32,000.00; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Purchasing Agent and Senior Center Director.

ACCEPT THE RESIGNATION OF JASON ROSS AS RECREATION COORDINATOR IN THE RECREATION DEPARTMENT

WHEREAS, the Human Resources Director has received a letter from Jason Ross resigning as Recreation Coordinator in the Recreation Department effective September 8, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Jason Ross as a Driver in the Department of Public Works is hereby accepted effective September 8, 2021; and,

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

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH DRAINAGE IMPROVEMENTS ON CLIFFWOOD DRIVE AND HIGHLAND AVENUE

WHEREAS, a contract was awarded to Precise Construction in the amount of \$73,455.00 in connection with drainage improvements on Cliffwood Drive and Highland Avenue; and,

WHEREAS, a change to the contract has been experienced as a result of additional curb, gutter and concrete apron; and,

WHEREAS, this change has been approved by the Township Engineering Department; 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 Mayor and Clerk be and are hereby authorized to execute Change Order #1 in the contract with Precise Construction, Inc. in connection with drainage improvements on Cliffwood Drive and Highland Avenue resulting in a net increase of \$2,329.05 revising the total contract amount to \$75,784.05; 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 Engineering Department.

APPOINT ECONOMIC DEVELOPMENT CORPORATION SECRETARY

WHEREAS, due to the resignation of Alexis Perez, there is a vacancy in the position of Economic Development Corporation Secretary; and,

WHEREAS, the Business Administrator has made a recommendation to appoint a current employee to this position; and,

WHEREAS, funds in the 2021 Municipal Budget in the appropriation entitled Economic Development 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 Alison Walby be and is hereby appointed to the position of Economic Development Corporation Secretary at an annual salary of \$3,500.00 effective September 28, 2021; and,

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

AUTHORIZE USE OF THE RIGHTS OF WAY IN THE TOWNSHIP OF NEPTUNE BY COMCAST OF MONMOUTH COUNTY, LLC

WHEREAS, the Township Committee for the Township of Neptune, New Jersey ("Township") has before it a request from Comcast of Monmouth County, LLC ("Comcast") to grant consent to occupy public rights-of-way within the Township for the purpose of constructing, installing, operating, repairing, maintaining, or replacing cable television facilities to enable Comcast

to provide cable television, broadband, telecommunications, and such other services as Comcast may deem necessary, desirable, or appropriate to residents of the Township of Tinton Falls;

WHEREAS, Comcast, a cable television company, with offices located at 1701 JFK Boulevard, Philadelphia 19103, is authorized to provide cable television and other services in the Township of Tinton Falls pursuant to an Order dated December 19, 2017, issued by the New Jersey Board of Public Utilities in Docket No. CE16121145; and

WHEREAS, the granting of such consent is and shall be conditional upon Comcast's compliance with all existing and future applicable ordinances of the Township;

NOW THEREFORE BE IT RESOLVED, by the Mayor and the Township Committee of the Township of Neptune:

1. That non-exclusive consent is hereby granted to Comcast to occupy the public rights-of-way within the Township for the purposes of construction, installation, operation, repair, maintenance and replacement of cable television facilities for a period of fifty (50) years, provided that Comcast shall (i) indemnify and hold the Township harmless as to all claims and liability resulting from any injury or damage caused by Comcast which may arise from the construction, installation, operation, repair, maintenance, disconnection, replacement, or removal of its facilities and (ii) maintain liability insurance coverage for personal injury and property damage;

2. That a copy of this Resolution shall be filed in the Office of the Township Clerk; and

3. That Comcast shall obtain all required permits and approvals from the Township's Construction Department in accordance with all applicable rules governing excavation work in Township streets.

ACCEPT DONATION OF PASSENGER BUS FROM THE COUNTY OF MONMOUTH

WHEREAS, the County of Monmouth has offered the Township a 2014 International PC505 passenger bus that the County has deemed surplus equipment; and,

WHEREAS, the Senior Center is in need of said vehicle; and,

WHEREAS, the County of Monmouth adopted a resolution on September 9, 2021 which authorizes the transfer of said vehicle to the Township of Neptune at no cost,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby accepts the donation of the following surplus vehicle from the County of Monmouth for use by the Neptune Senior Center:

2014 International PC 505 passenger bus VIN# 5WEASSLOEH491491

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute an agreement with the County of Monmouth which memorializes the transfer of the vehicle to the Township at no charge and in "as-is" condition

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Senior Center Director and County of Monmouth along with an executed copy of the aforementioned agreement.

AUTHORIZE AMENDED DEVELOPER'S AGREEMENT WITH WCS GROUP, LLC, FOR BLOCK 3902 LOTS 2 & 3, 600 ESSEX ROAD

WHEREAS, WCS GROUP, LLC is the Developer of property subject to a Final Major Site Plan Approval by the Neptune Township Planning Board seeking to make certain improvements at 600 Essex Road, a/k/a Block 3903, Lots 2 & 3 on the Tax Map of the Township of Neptune, and received original approval under Resolution #19-12, but then sought amendment to the Preliminary and Final Major Site Plan Approval previously granted, and received said approval under Resolution #21-08; approved April 28, 2021; and

WHEREAS, WCS GROUP, LLC, has agreed to enter into an Amended Developer's Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the 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 Amended Developer's Agreement with WCS GROUP, LLC, to ensure the proper compliance and guaranteed performance of items and improvements made on said parcel.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk are hereby authorized to execute the aforesaid Amended Developer's Agreement with WCS GROUP, 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 #21-08, 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.

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

AUTHORIZE CHANGE ORDER #1 (FINAL) IN CONNECTION WITH NORTH RIVERSIDE DRIVE IMPROVEMENTS

WHEREAS, on August 10, 2021, a contract was awarded to Fernandes Construction, Inc. in the amount of \$365,200.20 in connection with North Riverside Drive improvements; and,

WHEREAS, a change to the contract has been experienced as a result of additional and supplemental work for the reconfiguration of the intersection of North Riverside Drive and Ivins Road/Overlook Drive; and,

WHEREAS, this change has been approved by the Township Engineering Consultant; and,

WHEREAS, funds for this purpose are available in Ordinance No. 18-19 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Change Order #1 (final) in the contract with Fernandes Construction, Inc. in connection with North Riverside Drive improvements resulting in a net increase of \$25,469.03 revising the total contract amount to \$390,669.23; 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 Engineering Department.

AUTHORIZE THE PURCHASE OF FIVE (5) POLICE VEHICLES THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Chief of Police has recommended the purchase of five (5) 2022 Ford Police Interceptor SUVs 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. 20-FLEET-01189 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 total cost of these vehicles shall not exceed \$170,000.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 21-35 (four) and via an insurance refund (one), 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 five (5) 2022 Ford Police Interceptor SUVs through New Jersey Cooperative Purchasing Program Contract No. 20-FLEET-01189 be and is hereby authorized at an amount not to exceed \$170,000.00; 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.

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
2201	27.01 QC107	LAMOTHE	107 HIGH POINTE	2021	\$272.03
148	1	OCEAN GROVE	54 PITMAN AVE	2018	22,573.35
		CAMP MEETING ASSN			
148	1	OCEAN GROVE	54 PITMAN AVE	2019	22,340.75
		CAMP MEETING ASSN			
148	1	OCEAN GROVE	54 PITMAN AVE	2020	22,044.71
		CAMP MEETING ASSN			
148	1	OCEAN GROVE	54 PITMAN AVE	2021	11,022.36
		CAMP MEETING ASSN			

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

ACCEPT THE RESIGNATION OF RYAN MOSES AS A PART-TIME SENIOR EMERGENCY MEDICAL TECHNICIAN

WHEREAS, the Human Resource Director has received a letter from Ryan Moses resigning as a Senior Emergency Medical Technician in the EMS Department effective October 1, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Ryan Moses as a part-time Senior Emergency Medical Technician in the EMS Department is hereby accepted effective October 1, 2021; and,

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

ACCEPT THE RESIGNATION OF RALPH NORIEGA AS A PART-TIME EMERGENCY MEDICAL TECHNICIAN

WHEREAS, the Human Resource Director has received a letter from Ralph Noriega resigning as an Emergency Medical Technician in the EMS Department effective September 22, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Ralph Noriega as a part-time Emergency Medical Technician in the EMS Department is hereby accepted effective September 22, 2021; and,

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

AMEND SECTION 8 OF THE TOWNSHIP'S PERSONNEL POLICY GUIDEBOOK AND ADOPT A ZERO TOLERANCE POLICY FOR ALL FORMS OF DISCRIMINATION OR HARASSMENT IN THE WORKPLACE

WHEREAS, Chapter 9 of the Township Code ("Code") contains the Township's Personnel Policies and, at Section 9-2, its Code of Conduct; and

WHEREAS, Section 9-1.21 of the Code decrees that there shall be no discrimination against any employee because of race, creed, color, religion, sex, national origin, political affiliation or sexual orientation; and

WHEREAS, Section 9-12.1 of the Code provides that Township employees shall be treated fairly, courteously, and with respect; and

WHEREAS, Section 9-12.1 of the Code further provides that Township employees shall accord that same respect to associates, supervisors, and to the public; and

WHEREAS, Section 9-12.1 of the Code further provides that Township employees shall ensure that their behavior, actions, language or conduct does not reflect adversely upon themselves or the Township; and

WHEREAS, Section 9-19 of the Code provides the Township's policy against sexual harassment as further described in the Township's Personnel Policy Guidebook; and

WHEREAS, the Township of Neptune hereby reaffirms and reinforces its commitment to providing every employee with a workplace free from discrimination and harassment that is respectful of the personal dignity of each individual by adoption of a Zero Tolerance Policy; and

WHEREAS, it is in the public interest to maintain a Zero Tolerance Policy; and

WHEREAS, Section 9-29 of the Code adopts by reference the Township's Personnel Policy Guidebook and provides that the Guidebook may be amended from time to time by resolution of the Township Committee;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Section 8 of the Township's Personnel Policy Guidebook is hereby amended to read as follows:

Section 1. **SECTION 8. HARASSMENT AND DISCRIMINATION**

8.1 STATEMENT OF ZERO TOLERANCE

The Township of Neptune is committed to providing every employee with a workplace free from discrimination and harassment that is respectful of the personal dignity of each individual. Neptune Township maintains a zero tolerance policy for all forms of discrimination or harassment by or against any employee, whether such discrimination or harassment is legal or not. Discriminatory or harassing verbal or physical conduct, or other behavior that reasonably could be considered derogatory or demeaning to another will not be tolerated by anyone in the workplace, including supervisors, co-workers, business associates or other non-employees. Employees engaging in such behavior will be subject to immediate termination.

This zero tolerance policy extends beyond the workplace to behavior that occurs at any location that can be reasonably regarded as an extension of the workplace, including but not limited to any field location, any off-site business-related social function, or any facility where Neptune Township business is being conducted and discussed.

This zero tolerance policy pertains to all employees, all workplace locations and all employment practices, including but not limited to recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.

8.2 DEFINITIONS

- A. Discrimination is defined as disparate treatment against any person on the basis of an individual's sex, race, age, mental or physical disability or another legally-protected characteristic.
- B. Harassment is defined as verbal or physical conduct, or other means of communication that denigrates, shows hostility toward or would reasonably be considered derogatory based on an individual's sex, race, age, mental or physical disability or another legally-protected characteristic. This includes racist comments, ethnic jokes and similar derogatory behaviors in the workplace, regardless of by whom they are heard or whether complaints about them are made.
- C. Sexual Harassment, one form of harassment, is further defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or other means of communication of a sexual nature.

Sexual Harassment generally falls into two categories:

- a. Quid pro quo sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexual bribery or other verbal or physical conduct or other means of communication based on the gender of the targeted employee, when submission to such conduct is made either explicitly or implicitly a term or condition of employment, or submission to or rejection of such conduct by an individual is used as a basis for employment decisions.
- b. Hostile work environment sexual harassment includes unwelcome sexual advances, sexual assault, sexual coercion, requests for sexual favors, seductive behavior and other verbal or physical conduct or other forms of communication of a sexual nature which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Gender-based harassment may give rise to a claim of a hostile environment whether or not sexual activity or language is involved, when it has the purpose or effect of abusing, devaluing, or subordinating the members of one sex and it adversely affects an individual's employment opportunities.

8.3 PROHIBITED DISCRIMINATION AND HARASSMENT

Examples of verbal or physical conduct or other means of communication that constitute prohibited workplace discrimination or harassment include, but are not limited to:

1. Disparate treatment of an individual with regard to terms and conditions of employment because of that individual's protected class;
2. Treating an individual differently because an individual has the physical, cultural or linguistic characteristics of a protected class or group;
3. Except in the case of nepotism, treating an individual differently because of marriage to or association with persons of a protected class or group, or because an individual's name or spouse's name is associated with a protected class or group;
4. Calling another by an unwanted nickname which refers to one or more of the above characteristics, or telling ethnic, racial, or similar jokes, stories, or insensitive comments that could make an individual feel uncomfortable or adversely affect the work environment;
5. Making verbal or written comments based on sex, race, age, mental or physical disability or another legally-protected characteristic of another;
6. Engaging in threatening, intimidating, or hostile acts in the workplace based upon the individual's membership in a protected class; or
7. Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning to any protected class.
8. Pay Disparity as per the Diane B. Allen Equal Pay Act ("Equal Pay Act"). The Equal Pay Act prohibits pay disparities based upon characteristics protected by the New Jersey Law Against Discrimination, and makes it an unlawful employment practice for an employer to pay any of its employees who are members of a protected class a rate of compensation, including benefits, which is less than the rate paid by the employer to employees who are not members of the protected class for substantially similar work, when viewed as a composite of skill, effort and responsibility.

Examples of verbal or physical conduct or other means of communication that constitute prohibited workplace sexual harassment include, but are not limited to:

1. General or specific sexually-based remarks and comments;
2. Unwanted physical contact such as intentional touching, grabbing, pinching, brushing up against another's body, impeding or blocking movement;
3. Verbal or written sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mails, text messages, invitations, gestures or inappropriate comments about a person's clothing that do not relate to the uniform/dress policy;

4. Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily clad or clothed individuals;

5. Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention;

6. Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluations, work assignment or promotional opportunity; and

7. Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior;

8.4 SUPERVISOR'S RESPONSIBILITIES

In order to preserve the integrity of the work environment, supervisors are required to ensure adherence to and compliance with this zero tolerance policy, to create an atmosphere free from discrimination or harassment and to communicate this zero tolerance policy to all subordinates.

Each supervisor shall be responsible for preventing acts of discrimination or harassment in the workplace. This responsibility includes:

1. Monitoring the work environment on a daily basis for signs that discrimination or harassment may be occurring;

2. Counseling all employees on the types of conduct prohibited, and the department procedures for reporting and resolving complaints of discrimination or harassment;

3. Stopping any observed conduct that constitutes discrimination or harassment; and

4. Taking immediate action to limit the work contact between two employees where there has been a complaint of discrimination or harassment, pending investigation.

Each supervisor is responsible for assisting any employee who comes to that supervisor with a complaint of discrimination or harassment, and to document and file a complaint with the Township Administrator or Human Resources Director.

Upon becoming aware of possible discrimination or harassment, supervisors are required to take appropriate immediate action to stop the discrimination or harassment; inform the employee of his or her right to file a complaint; document and preserve any evidence/exemplars present; notify the Township Administrator or Human Resources Director through the chain of command of the incident and the action taken; and submit a report documenting the supervisor's actions and observations.

8.5 EMPLOYEE'S RESPONSIBILITIES

It is the responsibility of each employee to respect the rights of co-workers.

Employees subjected to any form of discrimination or harassment, including sexual harassment or gender identity harassment, are encouraged, whether directly or through a third party, to notify the alleged harasser that the behaviour in question is offensive and unwelcome. However, failure to do so does not preclude filing a complaint.

Employees are required to document all incidents of discrimination or harassment they are aware of in order to provide the fullest basis for investigation.

Any employee who believes that he or she has been harassed or discriminated against, or who is currently being harassed or discriminated against, shall report the incident(s) as soon as possible, in writing, to their immediate supervisor, so that the appropriate steps can be taken to protect the employee from further harassment or discrimination and so that appropriate investigative measures can be initiated. However, if the offending person is in the employee's chain of command, the employee may report the incident to their Department Head or directly to Human Resources or the Township Administrator. If the offending person is the Township Administrator or designee, the complaint shall be forwarded to the Human Resources Director or Township Attorney.

If the complaint is submitted confidentially to Human Resources or The Township Administrator, the person reporting should include as many facts and circumstances mentioned above.

Employees who hear or observe any verbal or physical conduct or other form of communication by another employee that they believe constitutes discrimination or harassment, or otherwise violates this zero tolerance policy, or who possess knowledge of any form of discrimination or harassment, whether directed at them or others, shall promptly report the incident to his or her supervisor. Employees who observe any condition, including but not limited to, graffiti, cartoons, posters or calendars that are sexual in nature, sexually suggestive, discriminatory or harassing in nature shall promptly report the condition to their supervisor.

8.6 COMPLAINT INVESTIGATIONS

The Township shall investigate allegations of discrimination or harassment in the workplace in accordance with the Township's Personnel Policies. The Township Administrator and/or Township Committee retain the discretion to determine that an outside investigation is necessary as appropriate under the facts in a particular circumstance.

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy of those involved. To the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout the investigatory process. In the course of an investigation, it may be necessary to discuss claims with the alleged harasser or other persons who may have relevant knowledge. It therefore may be necessary to disclose information to persons with a legitimate need to know about the matter. All persons interviewed will be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality policy may result in disciplinary action.

8.7 MISCELLANEOUS

A. No Retaliation

Retaliation against any employee who alleges that they were the victim of discrimination or harassment, or against any employee who provides information in the course of an investigation into claims of discrimination or harassment, is strictly prohibited. Any employee bringing forward a complaint, providing information for an investigation, or testifying in any proceeding under this zero tolerance policy shall not be subjected to adverse employment consequences based on such involvement or be the subject of retaliation.

B. Good Faith Complaints

Purposely or knowingly making a false accusation of unlawful discrimination or harassment, or knowingly providing false information in the course of an investigation of a complaint, is grounds for criminal, civil, and administrative sanctions. However, complaints made in good faith, even if found to be unsubstantiated, will not be considered false accusations.

C. Training

Training regarding this zero tolerance policy shall be provided to all employees to ensure continued compliance.

D. Additional Remedies

This written directive does not preclude any employee from filing a complaint or grievance with:

1. The New Jersey Division on Civil Rights and the United States Equal Opportunity Commission;
2. Superior Court of New Jersey;
3. Federal District Court; or pursuant to
4. Collective Negotiations Agreements - Grievance Procedure.

E. Disciplinary Action

Disciplinary action for discrimination or harassment or other prohibited conduct or behaviour shall be consistent with this zero tolerance policy. Employees engaging in discriminatory or harassing conduct or behavior in the workplace shall be subject to immediate termination, depending on the severity of the conduct, notwithstanding any provision to the contrary in any Township policy or otherwise.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator and Human Resources Director.

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

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEES FILED BY VICTORIA ESTATES, LLC FOR SITE IMPROVEMENTS AT NEPTUNE ESTATES PHASES 1A AND 1B (3351 HIGHWAY 33)

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

WHEREAS, Victoria Estates, LLC filed the following performance bonds, written by Guarantee Company of North America, guaranteeing site improvements at Neptune Estates, 3351 Highway 33 (Blocks 3301 & 3302):

Phase 1A – Bond No. 76141110 - \$72,036.00
Phase 1B – Bond No. 76141111 - \$150,012.00

WHEREAS, on April 26, 2021, the Township Committee adopted Resolution #21-179 which reduced said bonds to the following amounts:

Phase 1A – Bond No. 76141110 - \$30,553.20
Phase 1B – Bond No. 76141111 - \$66,976.20

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a reduction in both performance guarantees; and,

WHEREAS, the Developer will be notified to post Change Riders reducing the amount of each performance bond and the Municipal Clerk will accept said Riders when posted:

Phase 1A – Bond No. 76141110 - \$24,332.40
Phase 1B – Bond No. 76141111 - \$45,003.60

WHEREAS, the cash portions of the performance guarantees will also be reduced by the proportionate amounts,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that reductions in the Performance Guarantees posted for Neptune Estates, 3351 Highway 33 (Blocks 3301 & 3302) be and are hereby approved to the amounts as stated herein and the Change Riders submitted to affect said reductions are hereby accepted; and,

BE IT FURTHER RESOLVED, that the proportionate amount of the cash portion of each performance guarantee in the following amount shall be refunded to the Developer:

Phase 1A - \$691.95
Phase 1B – \$2,442.80

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township Engineer and the Developer.

The resolution was adopted on the following vote: Cafferty, recused, not voting; Lane, aye; Williams, aye; York, aye; and Brantley, aye.

AWARD BID FOR IMPROVEMENTS TO EMBURY AND RIDGE AVENUES

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

WHEREAS, on August 26, 2021, the Township Consulting Engineer received bids for the award of a contract for improvements to Embury and Ridge Avenues; and,

WHEREAS, said bids were reviewed by the Township Consulting Engineer and Township Attorney who have 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, a Transportation Trust Fund grant has been awarded to the Township for this project and the award of this contract is contingent upon approval by the New Jersey Department of Transportation; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 19-38 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 \$355,124.65 for improvements to Embury and Ridge 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.

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

REMOVE NEPTUNE TOWNSHIP BUSINESS ADMINISTRATOR VITO GADALETA FROM OFFICE AS OF DECEMBER 31, 2021

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

WHEREAS, Vito Gadaleta currently serves as Neptune Township Business Administrator pursuant to an employment contract providing for a term ending on December 31, 2021; and

WHEREAS, Vito Gadaleta has indicated his intention to retire from his position as Business Administrator effective December 31, 2021; and

WHEREAS, by State statute, the Township Business Administrator may be removed from office by a 2/3 vote of the Township Committee; and

WHEREAS, the Township Committee wishes to recognize and thank Vito Gadaleta for his years of service to the community and extend best wishes for his future endeavors;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that Vito Gadaleta is removed from his position as Neptune Township Business Administrator effective December 31, 2021; and,

BE IT FURTHER RESOLVED that Township's attorney is hereby authorized and directed to notify Vito Gadaleta of his removal from the position of Neptune Township Business Administrator effective December 31, 2021, by transmittal of this Resolution on or before September 30, 2021; and,

BE IT FURTHER RESOLVED, that the Clerk shall also forward a certified copy of this resolution to the Chief Financial Officer, Human Resources Director, 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 THE PURCHASE OF TWO REFUSE TRUCK BODIES THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY PURCHASING PROGRAM

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

WHEREAS, the Public Works Director has requested the purchase of two refuse truck bodies 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 ESCNJ 20/21-55 to Sanitation Equipment Corporation for a Wittke Superduty 40YD front loader refuse body and a Labrie 33CY side loader refuse body; and,

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

WHEREAS, the cost to purchase this equipment shall not exceed \$297,000.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 21-35 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 two refuse truck bodies for the Public Works Department be and is hereby authorized through Educational Services Commission of New Jersey Purchasing Program Contract ESCNJ 20/21-55 awarded to Sanitation Equipment Corporation for a Wittke Superduty 40YD front loader refuse body and a Labrie 33CY side loader refuse body at an amount not to exceed \$297,000.00; and,

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

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

AUTHORIZE THE PURCHASE OF TWO REFUSE TRUCK CABS AND CHASSIS THROUGH THE SOURCEWELL NATIONAL PURCHASING COOPERATIVE

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

WHEREAS, the Director of Public Works has requested the purchase of two Peterbilt 520 Tandem Axle refuse truck cabs & chassis utilizing pricing through the Sourcewell National Purchasing Cooperative; 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 Sourcewell National Purchasing Cooperative is a nationally recognized cooperative agreement and has awarded Contract No. 060920-PMC to Hunter Jersey Peterbilt for a Peterbilt 520 Tandem Axle cab & chassis; 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 \$307,197.00; and,

WHEREAS, funds for this purpose are available in Ordinance No. 21-35 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 two refuse truck cabs and chassis for the Public Works Department be and is hereby authorized through Sourcewell National Purchasing Cooperative Contract No. 060920-PMC, awarded to Hunter Jersey Peterbilt for Peterbilt 520 Tandem Axle cab & chassis at an amount not to exceed \$307,197.00; and,

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

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

AMEND RESOLUTION #21-210 AUTHORIZING INDEPENDENT INVESTIGATION OF PRIOR DISCIPLINARY ACTIONS INVOLVING ALLEGATIONS OF MISCONDUCT IN THE DEPARTMENT OF PUBLIC WORKS AND APPOINTING AN INDEPENDENT INVESTIGATOR TO UNDERTAKE SAID INVESTIGATION

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

WHEREAS, on May 24, 2021 the governing body of the Township of Neptune adopted Resolution #21-210, appointing Michael R. Burns, Esq., of Marmero Law, to perform an independent investigation with regard to certain disciplinary actions and conduct by employees of the Public Works Department; and

WHEREAS, said investigation has uncovered prior allegations of misconduct and a history of disciplinary actions concerning the conduct of current and prior employees of the Public Works Department, which Mr. Burns feels requires further investigation; and

WHEREAS, the Township Committee agrees that a broader and more comprehensive investigation is necessary in order to provide the advice of counsel in the deliberative process in order to address these potential issues, to examine their potential legal ramifications and to prevent future litigation; and

WHEREAS, funds will be provided in the 2021 Municipal Budget in the appropriation entitled Legal Services, O.E. and the Chief Financial Officer has so certified in writing,

WHEREAS, by adoption of Resolution #21-283, the governing body authorized an expansion of the independent investigation previously authorized by Resolution #21-210 on May 24, 2021, to include a more comprehensive investigation into the current disciplinary process, prior investigations and any allegations of misconduct by employees of the Public Works Department and those involved in the disciplinary process of its employees,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey hereby authorizes additional funding of this investigation to the extent of an additional \$20,000.00 from that previously authorized by Resolutions #21-210 and #21-283 to finalize the investigation with the understanding that the investigation is now near completion; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Chief Financial Officer, Assistant C.F.O., Human Resources Director, and Michael R. Burns, Esq.

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

AUTHORIZE SETTLEMENT IN THE MATTER OF RESHAT SUBOYU V. NEPTUNE TOWNSHIP

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

WHEREAS, Plaintiff, Reshat Suboyu, filed a lawsuit against Neptune Township under Docket No. MON-L-4545-18 in the Superior Court of New Jersey for injuries sustained while operating his motorcycle on Highway 35 South; resulting in an accident with a Neptune Police Department cruiser operated by a Neptune Township Police Officer; and

WHEREAS, legal counsel for the Garden State Municipal Joint Insurance Fund, representing Neptune Township, arrived at a settlement of \$727,500.00; which shall be paid in the entirety by Neptune Township's insurance carrier; subject to the consent of the Neptune Township Committee.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body hereby authorizes a settlement in the case of Reshat Suboyu v. Neptune Township, under Claim No. 2017002391 in the amount of \$727,500.00 to be paid by Neptune Township's insurance carrier; and,

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

BE IT FURTHER RESOLVED, that the Township Committee hereby authorizes legal counsel for the Garden State Municipal Joint Insurance Fund and/or its underwriter, to prepare the

necessary Stipulation of Settlement with appropriate execution and disbursement of the aforesaid funds by Neptune Township's insurance carrier; and,

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

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

AUTHORIZE SETTLEMENT IN THE MATTER OF EBONY LANIER V. NEPTUNE TOWNSHIP AND FIRE CHIEF JOHN C. MASCARELLI

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

WHEREAS, Plaintiff, Ebony Lanier, filed a lawsuit against Neptune Township and Fire Chief John C. Mascarelli, seeking damages as a result of a vehicle accident on Rt. 35 near its intersection with Bangs Avenue in Neptune Township under Claim No. 2017002313, filed in the Superior Court of New Jersey; and

WHEREAS, as a result of negotiations with legal counsel for the Garden State Municipal Joint Insurance Fund, representing Neptune Township, a settlement was reached between the parties for alleged injuries sustained by the Plaintiff in the aforesaid accident in the amount of \$365,000.00; subject to the consent of the Neptune Township Committee, and to be paid in total by Neptune Township's insurance carrier.

NOW, THEREFORE, BE IT RESOLVED, by Township Committee of the Township of Neptune, that the governing body hereby authorizes a settlement in the case of Ebony Lanier v. Neptune Township and Fire Chief John C. Mascarelli, under Claim No. 2017002313 in the amount of \$365,000.00, to be paid by Neptune Township's insurance carrier, subject to approval by Neptune Township Fire District #1, if necessary; and,

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

BE IT FURTHER RESOLVED, that the Township Committee hereby authorizes legal counsel for the Garden State Municipal Joint Insurance Fund and/or its underwriter, to prepare the necessary Stipulation of Settlement with appropriate execution and disbursement of the aforesaid funds by Neptune Township's insurance carrier; and,

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

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. Lane offered the following resolution, moved and seconded by Mr. Cafferty, 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	7,191,771.14
GRANT FUND	55,445.39
TRUST FUND	173,347.32
GENERAL CAPITAL FUND	231,106.50
SEWER OPERATING FUND	272,568.28
SEWER CAPITAL FUND	266,937.82
MARINA OPERATING FUND	63,050.58

UDAG RECIPRICAL TRUST	779.84
LIBRARY TRUST	440.46
 BILL LIST TOTAL	 \$8,255,447.33

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 Mr. Cafferty, that it be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Pamela Reinhardt be and is hereby appointed to the Fletcher Lake Commission as an at-large representative for an unexpired one year term expiring December 31, 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:

Joan Venezia, 107 Mt. Hermon Way, asked if there were changes to the North End Plan. Mr. Gadaleta responded that a revised architectural package was submitted to the Historic Preservation Commission. Ms. Venezia stated that the dumpster ordinance should be revised to allow for a maximum of a two month permit with a two month extension. She asked if the Township can remove a dumpster if it is left past the permitted period. Mr. Anthony replied that a violation notice would be issued, then the Township could remove the dumpster and lien the property. Ms. Venezia stated that the parks in Ocean Grove are in poor condition. Two lights have been out in Fireman's Park for months. There is another resident in the audience who also has concerns about the parks. There should be oversight of the outside vendors who maintain the parks. Ms. Venezia expressed concern about multiple retirements taking place including Mr. Gadaleta and Mr. Cuttrell. She asked that they be included in the process of finding replacements. The Mayor replied that the Committee has the ability to review and make the selections. When someone retires or is removed, they do not get to choose their replacement.

Jan Knight, 19 Ocean Pathway, stated the she was impressed with how much the Committee has on their plates. She owns a guest house which was damaged in the Ocean Pathway fire and then redone. Her 3rd floor air conditioning unit died in June and she is replacing it with a new unit. She has had no air conditioning all summer in her three 3rd floor rooms that she rents. The process to get approvals to replace the unit is too long and various departments are not working as a team. The Historic Preservation Commission sent her a letter today that everything was approved, but the summer is not over. She asked that these types of situations be approved faster.

David Kennington, 103 Central Avenue, stated that the parks in Ocean Grove are in a state of disrepair and the grass is burned off. The Township employees do a good job with trash and replacing the dog waste bags, but the maintenance needs help. He asked what the community can do to engage and become involved in the process of improving the parks. Mr. Gadaleta asked that Mr. Kennington provide his phone number to him after the meeting.

Dianna Harris, 17 Willow Drive, stated that Affordable Housing Alliance is a good option for the West Lake Avenue project and that there still is need for retail in the area. Mr. Gadaleta replied that the Redevelopment Committee is working with the Affordable Housing Alliance. Ms. Harris asked that Patricia Monroe be included on the Redevelopment Committee. The Mayor replied that the Redevelopment Committee was appointed by resolution and Mrs. Monroe was not appointed.

Ms. Harris stated that Route 33 and Ridge Avenue is overgrown and needs to be cleaned up. Midtown Commons Park needs swings for children, but would need to be enlarged to do so. The park is not community friendly right now. More police coverage is needed because there are people staying past dark and prohibiting children from using the park.

Ian Nugent, Karen Avenue, asked the Committee to be mindful of micro licenses and conditional licenses when discussing cannabis licensing. There are different avenues to access and he would like to meet with the Committee to discuss specifics.

Hank Coakley, Valley Road, thanked the Committee for abandoning the bike path. He condemned the Governor for not allowing a bear hunt this year. There are no address numbers on the new Public Works building. The parking problems in Ocean Grove are brought on by the residents of Ocean Grove because there are no driveways.

Chris Horning, 108 Highland Avenue, asked if there is anything different in the local cannabis ordinance and state statute. Mr. Anthony replied that the Committee is discussing the establishment of procedures within the guidelines of the adopted ordinance and state statute.

Karen Murphy, 1803 6th Avenue, stated that the retaining wall around Lake Alberta is crumbling and needs to be higher. Heavy rain floods her house and the situation is stressful because of the higher frequency of flooding rain events. Mr. Gadaleta replied that the lake was lowered but with the inundation due to heavy rainfall, there was flooding. He will look at the matter.

Mr. Cafferty offered a motion, seconded by Ms. York, to adjourn. All were in favor.

Richard J. Cuttrell,
Municipal Clerk