

TOWNSHIP COMMITTEE WORKSHOP MEETING – SEPTEMBER 27, 2021 – 6:00 P.M.

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

ROLL CALL

PRESENT/ABSENT

Keith Cafferty
Robert Lane, Jr.
Nicholas Williams
Tassie D. York
Dr. Michael Brantley

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

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on 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.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Cannabis license approval procedure.
2. Discussion – Revision to dumpster ordinance. (PW)
3. Discussion – New ordinance prohibiting nuisance – noise. (PW)
4. Discussion – Amendments to solicitation/food vendor ordinance. (PW)
5. Review Committee calendars.

Res. # 21-311 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

RESOLUTION #21-311 – 9/27/21

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

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

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

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

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

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

Personnel – 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.

ORDINANCE #21-

AMENDING AND SUPPLEMENTING §412 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY ADDING AND AMENDING PROVISIONS FOR DUMPSTERS UNDER §412.21 G THROUGH M

WHEREAS, the Township Committee, under Ordinance #7-25, amended and supplemented Section 412 of the Land Development Ordinance of the Township of Neptune by adding a portion concerning temporary trailers, dumpsters, portable storage units and like portable on-demand storage containers under §412.21; AND

WHEREAS, the Township Committee would like to now amend Subsections (G) and (H) particularly dealing with dumpsters.

NOW, THEREFORE, BE IT ORDAINED by the Township of Neptune of the County of Monmouth in the State of New Jersey that the Land Development Ordinance, §412.21, shall be amended as follows:

§412.21 TEMPORARY TRAILERS, DUMPSTERS, PORTABLE STORAGE UNITS AND LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS

- G. Portable Storage Unit – Definition. A transportable unit designed and used for the temporary storage of household goods, personal items, construction materials and supplies and other materials which are placed on a site for the use of occupants of a dwelling or building on a limited basis. Portable storage units include but are not limited to certain trade named units called "PODS", "mobile attics" and like Portable On-demand Storage Containers.

Dumpster – Definition. A rigid container generally used for routine collection, temporary storage of solid waste, construction materials, industrial and other waste materials generally on a temporary basis which is a portable detachable device.

Public Area – Definition. Includes street, sidewalk, highway, public lane, alley, Township parking lot or other public place in the Township under the control and/or ownership of the Township.

- H. Placement of Dumpsters, Portable Storage Units and like Portable On-demand Storage Containers on private property:
1. Any person looking to place, permit to be placed or utilize a Dumpster as defined above shall require a permit issued by the Director of Code Enforcement and a payment of a fee of \$100.00 and shall be limited to a use not to exceed 60 days; unless a longer period is granted by Site Plan Approval before the Planning Board or Zoning Board. "Portable Storage Units or like storage containers placed on private property shall be limited to 30 days placement and shall require a permit from the Director of Code Enforcement upon payment of the fee of \$50.00. Such Dumpsters and Portable Storage Units or like Portable On-demand Storage Container shall be placed either on vacant private property or located on the side yard or backyard of an existing building or private property. Should the applicant require or request placement in the front of a building on private property;

said application shall be treated the same as an application under §H2 of this Ordinance. No property owner or agent for the property owner shall be allowed to apply for a Dumpster or Portable Storage Unit or like Portable On-demand Storage Container permits in excess of 2 permits per year, per property. All Dumpsters and Portable Storage Units and Portable On-demand Storage Containers shall be appropriately labeled as of the date the permit was issued and the date required for removal; representing the maximum time period for use under the permit.

2. Front yard shall be defined in accordance with the Zoning Code of the Township. Should the applicant seek a hardship from the Director of Code Enforcement, which would allow for placement of the Dumpster or Portable Storage Unit or like Portable On-demand Storage Containers in a location on the front yard of private property or on a public area as defined above, and should the Director of Code Enforcement grant such hardship application as set forth more fully below; said "Dumpster," Portable Storage Unit or like Portable On-demand Storage Container shall be subject to the same time period for removal or renewal as set forth more fully above, but shall be subject to a permit fee of \$300.00, with the same limitations as set for the above.

- I. Prohibition of Dumpsters, Portable Storage Units or like Portable On-demand Storage Containers in certain private property areas and in public areas.

1. It shall be generally unlawful for any person to construct or place a storage container for garbage, such as a Dumpster, Portable Storage Unit or like Portable On-demand Storage Container as defined in this ordinance upon any front yard of private property or upon any Township owned or unaccepted dedicated street, avenue, highway, lane, alley or public place or area as defined above. No permit shall be issued for such use or storage of Dumpsters, Portable Storage Units or Like Portable On-demand Storage Containers unless the applicant establishes a hardship by satisfying one or more of the following criteria:

- (a) Narrowness of distance between property lines making placement of the dumpster, portable storage units or like portable on-demand storage containers elsewhere other than at the front of said private property or at a public area difficult if not impossible.
- (b) Parking needs affected.
- (c) Traffic flow affected.
- (d) Other reasons establishing the necessity of placement on the front of private property or on a public area.

2. Should the applicant demonstrate a hardship warranting placement of a dumpster, portable storage unit or like portable on-demand storage container on the front yard of private property or on a public area as defined above, the Director of Code Enforcement shall issue a permit with regards to dumpsters, portable storage units or similar portable on-demand storage containers on a temporary basis, in the case of a dumpster for a period not to exceed 30 days and in the case of a portable storage unit or like portable on-demand storage containers not to 30 days. Extensions cannot be granted for more than the aforesaid time period set unless a

longer period is granted by Site Plan Approval before the Planning Board or Zoning Board. Both a permit for a dumpster and a permit for portable storage container shall require a fee as set forth in §H2 above..

3. Any permit may be revoked by the Director of Code Enforcement if it is determined that the existence of the dumpster, portable storage unit or like portable on-demand storage container is affecting traffic flow or affecting the safety or welfare of the public.
4. Further conditions for Dumpsters, Portable Storage Units or like Portable On-demand Storage Containers are as follows:
 - (a) At the time the application is filed, each applicant shall furnish the Township of Neptune with a Certificate of Insurance which contains limits of at least \$100,000.00/\$300,000.00 for bodily injury and \$100,000.00 for property damage, which shall name the Township of Neptune as an additional insured and which shall be non-cancelable during the permit period.
 - (b) Any applicant who is given a "Hardship Permit" to place a Dumpster, Portable Storage Unit or like Portable On-demand Storage Container in the front yard or in a public area shall furnish the Township of Neptune with sufficient surety, to be determined by the Township Engineer to guarantee against damage to the streets, curbs and sidewalks or other improvements in the public right-of-way.
 - (c) No Dumpster, Portable Storage Unit or like Portable On-demand Storage Container shall be placed in a public area for more than 24 hours prior to commencement of construction, and shall not remain therein for more than 24 hours subsequent to construction being completed, and shall not exceed the time period limitations of G2 above.
 - (d) No permit shall be issued by the Director of Code Enforcement until it is determined that the issuance of the Permit will not constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
 - (e) Any person who controls, owns or lease or operates a refuge Dumpster, Portable Storage Unit or like Portable On-demand Storage Unit must ensure that such container or Dumpster is covered at all times and shall prevent refuge or materials from spilling out or overflowing.
 - (f) Any person who controls, owns or leases or otherwise uses a refuge Dumpster, Portable Storage Unit or like Portable On-demand Storage Unit must ensure that such unit or container does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal sewer system operated by the Township of Neptune or public areas or adjoining properties.
 - (g) No Dumpster, Portable Storage Unit or like Portable On-demand Storage Container shall be placed in a public or private area unless it is determined by the Police Department that there is sufficient room to place the Dumpster, Portable Storage Unit or like Portable On-demand Storage Unit on the property of the person utilizing the same. No Dumpster, Portable Storage Unit or Like Portable On-demand Storage Container

placed on the property shall impede the flow of pedestrian or vehicular traffic or safety and site lines.

(h) All Dumpsters, Portable Storage Units or Like Portable On-demand Storage Units allowed on public areas shall be equipped with markers consisting of reflective diamond shaped panels measuring a minimum of 18 inches by 18 inches. These panels shall be mounted at the edge of the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic. The required marker shall have a minimum height of 3 feet from the bottom of the panel/unit to the surface of the roadway.

(i) All Dumpsters, Portable Storage Units or like Portable On-demand Storage Containers shall at all times be kept in good repair and shall be structurally sound and leak proof and shall be painted as to prevent the show of rust or deterioration, and shall be constructed to stand firmly upright.

(j) All permits for Dumpsters, Portable Storage Units or like Portable On-demand Storage Containers for particular properties shall be restrictive in that any garbage or debris placed in the same must be as a result of construction or work on the site listed in the application and cannot be used as a transfer station for construction materials, garbage and/or debris from other sites.

J. Notice of Failure to Comply.

The Director of Code Enforcement is hereby authorized to notify, in writing, by mailing by certified mail, return receipt requested and regular mail or hand delivering to the owner, or person or entity in control of the property where the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container is located or person or entity that in the opinion of the Township controls, owns or leases the subject Dumpster, Portable Storage Unit or like Portable On-demand Storage Container or the agent of the owner or person or entity in control therein of the particular violation. The person or entity shall have five (5) days from the date of receipt of the notice to cure the violation. Said notice shall be deemed to serve as a continuing notice for the remainder of the calendar year and the Township may, without further notice, correct any existing violation in accordance with this Ordinance.

K. Failure or refusal to comply.

Upon the failure, neglect or refusal of an owner, tenant, person or entity in control or his or her agent to comply with this Ordinance per the aforesaid notice within the time period prescribed by this Ordinance then the Township is authorized to either issue citations of violation as set forth more fully in this Ordinance and/or to remove the subject Dumpster, Portable Storage Unit or like Portable On-demand Storage Container without further notice. The Township may act with regards to this provision without notice if it determines an emergency condition exists requiring action with regards to the dumpster or container.

L. Unpaid charges to constitute lien on property.

Should the Township be required to move the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container in order to correct any violation of this Ordinance, the Director of Code Enforcement shall certify the costs of removal and storage of said Dumpster, Portable Storage Unit or like Portable On-demand Storage Container and shall be authorized to forward the bill to the property owner or person or entity in control of said Dumpster, Portable Storage Unit or like Portable On-demand Storage Container for payment within thirty (30) days of the date of the bill and any continuing storage costs. The amount of the charge shall become a lien upon the lands and properties for which the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container was located or properties of the owner, tenant or controller of the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container where such Dumpster, Portable Storage Unit or like Portable On-demand Storage Container served the benefit and use of in the opinion of the Township. Should the person or entity who owns, leases or controls the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container fail to pay all charges and remove the dumpster or container from Township custody within ninety (90) days of the Township removing and storing the same, then the Township may sell the property at public auction. If the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container identifies the owner of the subject Dumpster, Portable Storage Unit or like Portable On-demand Storage Container, the same shall be notified of the proposed sale in writing ten (10) days prior to public sale.

M. Other violations: penalties.

In the event that any person or entity fails to comply with this Ordinance by committing an unlawful act, a fine not exceeding \$2,000.00 Dollars per violation, a term of imprisonment not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days or any combination thereof shall be imposed.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The Ordinance shall become effective immediately upon its final passage and publication as required by law.

DATE INTRODUCED:

DATE ADOPTED:

ORDINANCE #21-

ORDINANCE TO RESCIND CHAPTER III, SECTION 3-1 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "UNNECESSARY AND DISTURBING NOISE" AND ADOPTING NEW ORDINANCE ENTITLED, SECTION 3-1, "PROHIBITED NUISANCES – NOISE"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the Neptune Township Code of Ordinances, Volume 1, Chapter III, Section 3-1 of the Code of the Township of Neptune entitled "Unnecessary and Disturbing Noise", is hereby rescinded and the Township Committee is hereby adopting a new Section 3-1, entitled, "Prohibited Nuisances – Noise" as follows:

§3-1 Prohibited Nuisances – Noise.

§3-1.1 Prohibited Noise Nuisances; Findings.

Nuisances of many types, including but not limited to excessive sound is a serious hazard to the public health, safety and welfare, and to the quality of life of the residents of Neptune Township, and is hereby declared to be a public nuisance where sound is found to be excessive. The residents of the Township of Neptune have the right and should be ensured an environment free from excessive sound. The following regulations are enacted to prevent excessive sound along with other nuisances that may jeopardize the health, safety and welfare of Neptune Township's citizens, or degrade their quality of life.

§3-1.2 Definitions.

Emergency Work. Shall mean any work or action necessary to deliver essential services, including, but not limited to repairing water, gas, electricity, telephone, sewer facilities and public transportation, removing fallen trees or public rights-of-way or abating life threatening conditions.

Motorcycle. Shall mean an unenclosed motor vehicle having a saddle for the use of the operator and (2) or (3) wheels in contact with the ground, including, but not limited to motor scooters, mopeds, minibikes and ATV's.

Motor Vehicle. Shall mean any vehicle that is propelled or drawn on land by an engine or motor, such as, but not limited to passenger cars/automobiles, busses, trucks, truck trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles; but not including motorcycles.

Muffler. Shall mean a sound, dissipative device or system for abating the sound of escaped gasses of an internal combustion engine.

Noise. Shall mean sounds of such level and duration which are, or tend to be, injurious to human health or welfare, or would unreasonably interfere with the enjoyment of life or property.

Person. Shall mean any individual, firm, corporation, company, association, society, club, partnership, joint stock company, limited liability company or any other form of association or organization, and shall also include the State of any political subdivision thereof and any agency or instrumentality of the State.

Public Right-of-Way. Shall mean any street, avenue, boulevard, road, highway, sidewalk, alley or similar place that is leased, owned or controlled by, or otherwise under the jurisdiction of a government entity.

Public Space. Shall mean any real property or structures thereof that are owned or controlled by the Township of Neptune or other governmental entity.

Radios; Televisions; Phonographs and/or Sound Systems. Shall mean the playing, use or operation of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound.

§3-1.3 Prohibited and Restricted Acts.

It shall be unlawful for any person to make, or to cause, suffer or permit to be made or to be continued any behavior or loud, unnecessary or unusual sound or noise, or any noise or act which either annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of any other person within the corporate limits of the Township of Neptune. Such conduct shall be considered a nuisance. The following acts, among others, are declared to be a nuisance in violation of this Section, when the noise or sound emanating from such acts is clearly audible to neighboring property owners or inhabitants, clearly audible from at least 100 feet from the actor, source or device: The following enumeration shall not be deemed exclusive:

1. Audio, Video or Musical Devices.

The playing or use of any audio, visual or musical devices, including but not limited to radios, stereos, iPod, televisions, musical instruments or equipment, musical amplifying devices of any kind, or other machines or devices of any kind for the production or reproduction of sound, in such a manner or in such volume as to reasonably annoy or disturb the quiet, comfort or repose of persons in any dwelling unit or other type of residence or while otherwise on their property or to disturb the peace, quiet or comfort of neighboring inhabitants or to disturb the peace, quiet or comfort of any person or in general, or to play or operate the same with louder volume than is necessary for convenient hearing of the person or persons who are in the room, chamber, venue, place or area in which said machine or device is operated and who are voluntary listeners thereto.

2. Yelling, Shouting, Etc.

Yelling, shouting, hooting, whistling or singing on the public streets or yelling shouting, hooting, whistling or singing at any other place, whether public or private in such a manner and in such volume and intensity as to disturb the peace and quiet of the neighborhood or so as to annoy or disturb the quiet, comfort or repose of persons in any office or dwelling, or any other type of residence or of any persons in the vicinity.

3. Sounds of Peddlers, Hawkers and Vendors.

The sounds or shouting of peddlers, hawkers or vendors soliciting business in such a manner and in such volume and intensity to disturb the peace and quiet of the neighborhood or so as to annoy or disturb the quiet, comfort or repose of persons in any office or dwelling, or any other type of residence or of any persons in the vicinity.

4. Loud Speakers and Amplifiers for Advertising.

The use, operation or permitting of playing, use or operation of any radio, television, musical instrument, phonograph, loud speaker or sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, store or establishment, except that non-commercial public speaking and public assembly activities conducted in any public space or any public right-of-way shall be exempt from the operation of this Section.

5. Construction.

See Section 3-2.

6. Landscaping Equipment.

The operation of power mowers and/or power tools used in landscaping outdoors between the hours of 8pm and 8 am the following day.

7. Loading Operations.

Loading, unloading, opening and otherwise handling of boxes, crates, containers, garbage cans or similar objects between the hours of 6pm and 6 am the following day, in such a manner as to annoy or disturb the quiet, comfort or repose of persons in any office or dwelling, or any other type of residence or of any persons in the vicinity.

8. Refuse Compacting Vehicles.

Operating or permitting the operation of any motor vehicle which can compact refuse and which creates during the compacting cycle a disturbing noise between 6pm and 6 am the following day in residential zoned districts or in mixed zone districts which permit residential uses as identified in the Neptune Township Land Use Ordinance and Zoning Map.

9. Vehicle Repairs or Testing.

Repairing, rebuilding, modifying or testing any motor vehicle, off road vehicle or motor boat in or near a residential zoned districts or near or in a mixed zone districts which permits residential uses as identified in the Neptune Township Land Use Ordinance and Zoning Map in such a manner as to annoy or disturb the quiet, comfort or repose of persons in any office or dwelling or any other type of residence or of any persons in the vicinity.

10. Horns, Signal Devices, Etc.

The sounding of any horn or signaling device on any motor vehicle, motorcycle or any other vehicle on any street or public space within the Township of Neptune except as a danger warning; the creation by means of any horn or signaling device of any unreasonably loud or harsh sounds; or the sounding of any said horn or signaling device or any unnecessary or unreasonable period of time; or the use of said horn or signaling device when traffic is for any reason held up; or the use of any horn, whistle or device operated by engine exhaust.

11. Animals, Birds, Etc.

The keeping of any animal or bird which emits frequent or long continued noises, including but not limited to barking, howling, growling or wining, which disturbs the peace or quiet or interferes with the sleep or rest of any person.

12. Mufflers.

The use of motor vehicle, motor cycle or any other vehicle on any street or public space within the Township of Neptune which does not have a muffler in good working order.

13. Motorized Snow Blowers, Snow Throwers, etc.

Motorized snow blowers, snow throwers and Lawn Equipment with attached snow blower may operate and be allowed to operate at all times with a muffler.

14. Exterior Burglar Alarm.

Exterior burglar alarms of a vehicle must be activated in such a manner that the burglar alarm terminates its operation within five minutes of its continuous air borne sound; fifteen minutes for impulsive sound after it has been activated.

§3-1.4 Prevailing Time.

The hours referenced in this Section shall refer to prevailing time, i.e., either Eastern Standard Time or Eastern Daylight Savings Time.

§3-1.5 Persons Affected.

This Section is intended to apply to and bind all owners, tenants, occupants of real property within the Township of Neptune, as well as guests at such real property or to all visitors and passengers while within the corporate limits of Neptune Township and to all other persons as heretofore defined within this Section. This Section shall not apply to representatives and/or employees of the Township of Neptune while performing tasks on official business of Neptune Township or specific activities authorized by the Township Committee.

§3-1.6 Exemption from this Section.

The following activities are not prohibited under this Section:

1. Any parade or concert or concert practice, providing the Neptune Township Police Chief receives notice at least two days in advance.
2. Any event sponsored or conducted by the Township of Neptune, State of New Jersey or any other governmental agencies.
3. Any event conducted by any block association or civic association, providing that the Neptune Township Police Chief receives notice and the Township Committee has approved by Resolution at least ten days in advance.

§3-1.7 Violations and Enforcement.

Violation and enforcement of this Section shall be as follows:

1. Any person, firm or corporation violating any of the provisions of this Section shall be subject to a fine not exceeding two thousand dollars (\$2,000.00); a term of imprisonment not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days or any combination thereof. If the violation is of the continuing nature, each day or portion of each day during which it occurs shall constitute an additional separate and distinct offense.
2. No provision in this Section/Chapter shall be construed to impair any Common Law Statutory Causes of Action or legal remedy therefrom of any person for injury or damage arising from any violation of this Section/Chapter or from other law. Nothing in this Ordinance shall prohibit or impair the municipality from taking other actions allowed by law, including but not limited to civil actions and injunctive relief that can be sought in the Superior Court of New Jersey or Federal Court.

§3-1.8. Severability; Repealer.

If any provision or portion of a provision of this Section/Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any Court of competent jurisdiction, the remaining provisions of this Section/Chapter shall not be invalidated.

All Ordinances or parts of Ordinances which are inconsistent with any of the provisions of this Chapter are hereby repealed as to the extent of such inconsistencies.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

Dated: September 27, 2021

ORDINANCE #21-

ORDINANCE TO AMEND CHAPTER IV, SECTION 4-4 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "SOLICITOR, CANVASSER, PEDDLER, HAWKER, ITINERANT MERCHANT, TRANSIENT VENDOR AND MOBILE FOOD VENDOR"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the Neptune Township Code of Ordinances, Volume I, Chapter IV, Section 4-4 of the Code of the Township of Neptune entitled "Solicitor, Canvasser, Peddler, Hawker, Itinerant Merchant or Transient Vendor" is hereby amended as follows:

§4-4 Solicitor, Canvasser, Peddler, Hawker, Itinerant Merchant, Transient Vendor and Mobile Food Vendors.

§4-4.1 Purposes.

The purposes of this Section are to (1) deter the use of peddling or soliciting to gain access to homes or other premises for criminal purposes; (2) maintain peace, comfort, quiet and privacy for residents of Neptune of Neptune Township while permitting solicitors, canvassers, peddlers and mobile food vendors the right to exercise their rights of free speech; (3) discourage unethical, dishonest and illegal business practices; (4) prevent dishonest solicitation of funds; (5) protect the safety and welfare of the inhabitants of Neptune Township as well as peddlers and solicitors and mobile food vendors engaged in such activities within Neptune Township and (6) preserve the safety and order in and about the streets, sidewalks, businesses and public areas in Neptune Township.

§4-4.2 Definitions.

Canvasser. See definition of Solicitor below.

Commercial. Shall mean pertaining to or engaging in commerce, or prepared, done or acting with the sole emphasis on salability or profit. The term commercial shall not include charitable or political speech.

Individual. Shall mean any natural person.

Merchandise. Shall mean all goods, wares, magazines, subscriptions, periodicals, printed material, all types of orders or contracts for services, home improvements or alterations and anything that may be sold or distributed shall be considered "merchandise" for purposes of this Section.

Mobile Food Vendor. Shall mean any person who is engaged in the sale of foods and/or merchandise from a truck, trailer or other moveable, wheeled equipment during specific hours of operation and usually on the public streets, parking lots or right-of-ways and conceivably on private property.

Non-profit Organization. Shall mean (1) any organization tax-exempt under Section 501(c)(3) of the Internal Revenue Code; (2) any organization created under or otherwise subject to the provisions of Title 15A of the New Jersey Statutes; (3) any organization, whether or not qualified under Section 501(c)(3) of the Internal Revenue Code or subject to the provisions of Title 15A of the New Jersey Statutes, whose primary purpose is to benefit the school-age children of Neptune Township, including but not limited to schools, school clubs and organizations, cub scouts, boy scouts, brownies, girl scouts and similar

youth groups; (4) any organizations whose primary purpose is to advocate for religious or political causes, whether or not qualified under Section 501(c)(3) of the Internal Revenue Code or subject to Title 15A of the New Jersey Statutes; and (5) any department within Neptune Township's municipal government structure, including but not limited to the Police Department and any volunteer Fire, or First Aid Company that is located in, has substantial membership from, or serves Neptune Township.

Peddler. Shall mean any person who goes from house to house or place to place by any means of conveyance by carrying or transporting merchandise for the purpose of selling or delivering the merchandise to customers. The term "Peddler" shall include the words, Hawker, Huckster and shall also include a person who from time to time offers merchandise for sale from one or more fixed locations out of doors, when merchandise is displayed or stored in a motor vehicle located on the property, whether the property is owned by the person or by others.

Person. Shall mean and include any natural person, firm, partnership, corporation, organization, club, limited liability company, or association or any principal agent, employee or representative thereof.

Solicitor. Shall mean an individual who goes from house to house or from place to place by any means of conveyance, soliciting or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or service and whether or not he/she is collecting in advance for payments on such sales or orders. The word "Solicitor" shall also mean any individual who goes from house to house or from place to place for the purpose of obtaining contributions or subscriptions or who does research analysis, makes surveys or opinion polls, obtains rating data or similar information, distributes advertisements or handbills of a commercial nature or who engages in any similar work which involves a door-to-door or place-to-place activity. The word "Solicitor" shall also include the word "Canvasser."

§4-4.3 License Required.

It shall be unlawful for any solicitor, canvasser, peddler, hawker, itinerant merchant or transient vendor or mobile food vendor as defined in this Section to engage in any such business or operation in the Township without first obtaining a license thereof in compliance with the provisions of this Section, and only in parts or locations of the Township as permitted herein.

§4-4.4 Application for License.

All applicants or licensees attempting to apply for or renew a license must complete an application form prescribed by the Mercantile Registration Office, which shall include the following information:

- a. Applicant's name, permanent address, local address (if different from permanent address) and telephone number;
- b. Name and address of the organization or person(s) on whose behalf soliciting, peddling or vending is being made, together with telephone numbers;
- c. A description of the nature of merchandise and/or food to be sold;
- d. Motor vehicle registration number, make and model of any motor vehicle used by the applicant in connections with his/her activity;

- e. Applicant's government issued photo identification, which the Mercantile Office will photocopy and attach to the application;
- f. If the applicant is an agent, employee or representative, he/she shall attach to the application a letter from the person or organization for whom the applicant works or represents, authorizing the applicant to act as its agent, employee or representative and assuming responsibility for the applicant's conduct;
- g. The length of time for which the right to do business is desired and the days of the week and the hours of the day in which the business will be conducted;
- h. The source of supply of the goods or property or services proposed to be sold, where such goods, services or products are located and the method of delivery;
- i. A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or violation of any Municipal Ordinance other than traffic violations, the nature of the offense and the punishment or penalty assessed therefore;
- j. All applicants selling merchandise subject to sales tax shall submit a copy of a valid certificate of authority issued by the Director of the New Jersey Division of Taxation, pursuant to N.J.S.A. 54:32B-15, empowering the applicant to collect sales tax. Certificates shall not be required for the sale of property exempt from sales and use taxation pursuant to N.J.S.A. 54:32B-8.2;
- k. The applicant shall be fingerprinted by the Neptune Township Police Department, who shall determine whether the fingerprints are necessary for proper identification, which fingerprint records shall be immediately processed for classification and identification. The applicant shall also have two photographs taken by the Neptune Township Police Department providing (1) photograph to the Licensing Officer and (2) attaching a photograph to the original application. The applicant shall provide a \$12.00 money order payable to "New Jersey State Police" for the fingerprinting process and pay \$4.00 to the Neptune Township Police Department for the photographs. These fees are in addition to any other fees set forth herein, or established elsewhere by the New Jersey State Police or the Township of Neptune, and are subject to change as a result of changes by third parties in their fee schedule.
- l. At the time of the filing of the application, a fee of \$200.00 shall be paid to the License Officer to cover the cost of investigation of the facts stated herein as to the original applicant. There shall be an additional charge of \$25.00 for each and every additional solicitor, canvasser, peddler, hawker, itinerant merchant, transient vendor or mobile food vendor requiring such investigation under one general application
- m. No license shall be issued until the application has been approved by the Police Department of Neptune Township; allowing adequate time for investigation of the facts set forth in the application;
- n. Licenses are not transferrable between solicitors, canvassers, peddlers, hawkers, itinerant merchants, transient vendors or mobile food vendors;
- o. An application by a partnership shall be signed by all partners with the foregoing provisions of this Section; answered in detail as to each partner, and applications of corporations shall have attached thereto individual statements in accordance with all of the provisions of this Section relating to every employee, agent, or servant who shall act as a solicitor, canvasser, peddler, hawker, itinerant merchant, transient vendor or mobile

food vendor, and signed by each such agent, servant or employee and full compliance herewith by each of the individuals.

§4-4.5. Exempt Persons and Organizations.

- a. Any person, organization, society or association desiring to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization at any place or places within the Township, said persons or organizations shall be exempt from §4-4 and will not have to file any sworn application in writing either for notification purposes or seeking a license, if said person or organization falls under the following categories:
1. Any charitable, religious, patriotic, political or philanthropic purpose.
 2. Any organization or person representing said organization which qualifies for tax exemption under the Internal Revenue Service Code.
 3. Any organization or person representing said organization that qualifies for exemption from sales tax under N.J.S.A. 54:32B-9 or created under Title 15A of New Jersey Statutes.
 4. Persons delivering goods, wares or merchandise in the regular course of business to the premises of persons ordering or entitled to receive said goods; such as but not limited to delivery of milk, eggs, bread, newspapers or other necessary and/or perishable articles of food or merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one week.
 5. Federal Census takers and polls or surveys taken pursuant to Federal, State or Local Law.
 6. Veterans or volunteer fireman, first aid, individuals representing said groups holding a special license pursuant to N.J.S.A. 45:24-9, and shall be obligated to carry said license or proper identification.
 7. Halloween trick or treaters.
 8. It shall be unlawful for any person under the age of 18 to solicit under this Section unless supervised by a person at least 18 years of age or older and who will be in sight of and no more than 100 feet away from an individual who is 18 years of age or older.

§4-4.6 License Fees.

Every applicant for a License Fee under this Section shall pay a License Fee of \$100.00 per year or fraction of a year per vehicle to be operating and \$50.00 per operator, solicitor, canvasser, peddler, hawker, itinerant merchant, transient vendor or mobile food vendor. This fee is in addition to those fees and costs set forth in §4-4.4(k)(l) dealing with investigation fees and fingerprinting fees.

§4-4.7 Rules and Regulations.

Every person, individual, partnership, corporation, limited liability company, association, society, association or organization to which a license is issued under the terms of this Section shall be governed by the following rules and regulations:

- a. All circulars, samples or other matter shall be handed to an occupant of the property and not left on or about the same;
- b. No person subject to the provisions of this Section shall canvass, solicit or distribute circulars or other matters or call from house to house except during the hours of 1 pm through 5 pm Monday through Friday. No commercial solicitation, distribution or canvassing is permitted Saturday or Sunday in the Township of Neptune;
- c. No person subject to the terms of this Section shall enter or attempt to enter the lands of any resident in the Township of Neptune without an express invitation from the occupant of the residence;
- d. No person subject to the terms of this Section shall conduct themselves in such a manner as to become objectionable to or annoy an occupant of any residence;
- e. Licensees are required to exhibit their Certificate of License at the request of any citizen or member of the Police Department;
- f. No canvasser, peddler, hawker, itinerant merchant, transient vendor or mobile food vendor shall leave any location without first picking up, removing or disposing of all trash or refuse remaining from the sales made by him/her. He/she shall not sweep into or deposit any accumulated litter into any gutter or public street;
- f. No canvasser, peddler, hawker, itinerant merchant, transient vendor or mobile food vendor shall sell anything other than such commodities described in his/her application;
- g. No canvasser, peddler, hawker, itinerant merchant, transient vendor or mobile food vendor shall solicit or conduct business with persons in motor vehicles. All sales are to be conducted from the curbside of the vehicle and only to pedestrians;
- h. No canvasser, peddler, hawker, itinerant merchant, transient vendor or mobile food vendor shall use any device which produces a loud or raucous noise or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public;
- i. No canvasser, peddler, hawker, itinerant merchant, transient vendor or mobile food vendor shall use any conveyance, device or anything whatsoever which, when fully loaded with merchandise, cannot be easily moved and maintained under control by the Licensee;
- j. All mobile food vendors shall provide trash and recycling receptacles, and shall collect all trash and debris within 25 feet before leaving their site. Collected trash must not be deposited in public trash receptacles;
- k. No mobile food vendor shall occupy the sidewalk, i.e., park a motorized vehicle in the street and dispense food from the sidewalk or set up a pushcart on the sidewalk and dispense food in the street. Operation shall be from the street. Operation on any sidewalk shall be prohibited;
- l. New or replacement mobile food vendor trucks, vans, pushcarts or other mobile food vendor vehicles shall be inspected by the Department of Health before operating. No changes shall be made to approved mobile food vendor trucks, vans, pushcarts or vehicles without re-inspection by the Department of Health, and all Certifications of Approval must be visible to the public.

- m. No mobile food vendor shall serve food or drink to a motorist or occupant of a vehicle blocking the passage of traffic;
- n. No mobile food vendor shall occupy street space blocking the passage of traffic;
- o. All mobile food vendors' vehicles and pushcarts shall be self-contained, no cooler is to be placed on streets or sidewalks;
- p. No mobile food vendor shall provide in-truck or in-vehicle dining services or sidewalk tables and chairs;
- q. Grills, generators or other items related to mobile food vendor operations shall be physically attached to the vehicle or pushcart;
- r. Mobile food vendors must have a portable water tank/sink for handwashing attached to their vehicle as per N.J.A.C. 8:24-5.3;
- s. All motorized vehicles must abide by all existing traffic and parking regulations;
- t. All motorized mobile food vendors shall not be permitted to operate and shall be off the streets and sidewalks of the Township of Neptune during the period from 9 pm to 9 am daily;
- u. All mobile food vendors' units must be on wheels and mobile;
- v. No mobile food vendors' vehicle shall be left unattended for any reason on the streets or sidewalks of the Township of Neptune;
- w. Any mobile food vendors' vehicle operating within the Township of Neptune shall not remain in any fixed location for more than 5 minutes from its last sale to any patron. When operating within the Township, such mobile food vending units shall park only in areas where automobiles are permitted to park and shall begin the sale of foodstuffs with 5 minutes of the time it so parks and shall leave that location within 5 minutes of its last sale to pedestrian patrons using the food service;
- x. All mobile food vendors shall display, in clear view of all patrons, pricing for all products offered for sale;
- y. No mobile food vendors shall operate upon private property. No owner or person in control of or in possession of private property shall permit any mobile food vendors to be operated upon said property;
- z. No mobile food vendors shall operate in any area where parking of motor vehicles is prohibited, restricted or regulated. Such areas shall include, but not be limited to, sidewalks, bus stops, taxi stands, fire hydrants, parking metered areas, loading zones, areas where parking is prohibited (such as from the corner of an intersection as indicated by curb markings), areas reserved for physically handicapped motor vehicle operators, crosswalks, driveways and any other areas so restricted, prohibited or regulated for the parking of motor vehicles.
- aa. All mobile food vendors at the time of their application for a license shall show proof of insurance issued by an insurance company licensed to do business in the State of New Jersey protecting from all claims for damage to property and bodily injury and death, which may arise from operation under or in connection with the mobile food vendor selling

from a truck or other motor vehicle evidencing the following minimum amounts of coverage:

1. Personal Injury: Per person - \$100,000.00
Per occurrence - \$300,000.00
 2. Property Damage: \$50,000.00
 3. The Township of Neptune shall be named as an "additional insured" on the insurance policy. Cancellation, termination or expiration of the policy shall subject the Licensee to suspension or revocation of the mobile food vending license. If the insurance coverage is changed to a different provider, proof of insurance shall be provided within 60 days of the change;
- bb. All equipment, including the vehicle which is used by mobile food vendors, shall be subject to proof of inspection upon application for a license from a qualified equipment and motor vehicle inspection garage or service indicating that the motor vehicle and all equipment is in compliance with applicable State Motor Vehicle Statutes;
- cc. Mobile food vendors shall be required to comply with all applicable requirements of the New Jersey Administrative Code, Title 8, Department of Health and Senior Services, Chapter 24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines – N.J.A.C. 8:24-11 et. seq. A copy of such code is incorporated herein by reference and made a part hereof without inclusion of the text herein pursuant to such Act;
- dd. All mobile food vendors' units shall be constructed of such acceptable material as to enable it to be readily cleaned to prevent food contamination during cooking, serving, displaying or storage;
- ee. Food contact services of mobile food vendors' units shall be provided with close-fitting covers to protect food products from dust, dirt and splash;
- ff. Mobile food vendors' vehicles or units shall be cleaned daily in accordance with the New Jersey Administrative Code, Title 8, Department of Health and Senior Services, Chapter 24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines – N.J.A.C. 8:24-11 et. seq. or more often as deemed necessary. All such cleaning is prohibited in public places;
- gg. Wastewater from any discharge of mobile food vendors' vehicles or units shall be disposed of in a sanitary manner and shall not create a nuisance.

§4-4.8 Record of Violations.

The Chief of Police shall report to the License Officer all convictions for violations of this Section and the License Officer shall maintain a record for each license issued and record reports of violations therein.

§4-4.9 Causes of Revocation of License.

- a. Licenses issued under provisions of this Section may be revoked by the Neptune Township Mercantile Officer and/or Neptune Township Police Department after notice and hearing for any of the following causes:
 1. Fraud, misrepresentation or a material incorrect statement(s) contained in the application for license

2. Fraud, misrepresentation or a material incorrect statement made in the course of carrying on his/her business as a canvasser, peddler, hawker, itinerant merchant, transient vendor or mobile food vendor under this Section;
 3. Any violation of this Section;
 4. Conviction of any crime or misdemeanor;
 5. Conducting the business of canvasser, peddler, hawker, itinerant merchant, transient vendor or mobile food vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- b. Notice of the hearing for the revocation of the license shall be given to the Township Clerk in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the Licensee at the address listed on the Licensee's application or amendment thereto at least 5 days prior to the date set for hearing by postage prepaid, or shall be delivered by the Police Department in the same manner as a Summons at least 3 days prior to the date set for said hearing.
 - c. Appeals of any said revocation shall be submitted in writing no later than 5 days from the date of mailing of the Notice of Revocation. Said requests will be received by the Business Administrator where a hearing may be requested by the Licensee.

§4-4.10 Inspection of Mobile Food Vendors' Vehicles.

- a. Before a Licensee shall use a vehicle or mode of transportation in furtherance of his/her permitted business, said Licensee shall submit said vehicle to the Neptune Township Health Official or County Department of Health, if applicable, for inspection and approval relative to compliance of the within Ordinance, and shall, whenever requested during the term of said license, submit the vehicle for reasonable re-inspections for said purpose;
- b. No vehicle or motorized transportation shall be used by any Licensee for its permitted business, if applicable, unless it has been approved for use by the aforesaid Health Officer and the written approval shall remain in and on the vehicle at all times and shall be shown by the operator thereof to any member of the Neptune Township Police Department, any official of the Township or any member of the public who may request to be shown the same.

§4-4.11 Expiration of License.

All annual licenses issued under the provisions of this Section shall expire at midnight of December 31st of each year of issuance. Other than annual licenses, the same shall expire at midnight on the date specified in said license.

§4-4.12 Violations and Penalties.

- a. Any person violating the terms of this Ordinance shall be punishable as follows:
 1. First offense: A fine of \$300.00;
 2. Second offense: A fine of \$1,000.00

3. Third or subsequent offense: A fine of not less than \$1,000.00 nor more than \$2,000.00 in the discretion of the Court; jail and/or community service or any combination thereof of not more than 90 days.
4. No person convicted on a third or subsequent offense shall be entitled to a new license for a period of 2 years from the third or subsequent offense.

§4-4.13 – §4-4.20 are hereby rescinded.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

Dated:

TOWNSHIP COMMITTEE MEETING – SEPTEMBER 27, 2021 – 7:00 P.M.

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

ROLL CALL

PRESENT/ABSENT

Keith Cafferty
Robert Lane, Jr.
Nicholas Williams
Tassie D. York
Dr. Michael Brantley

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

Silent Prayer and Flag Salute

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

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on 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 – Motion offered by _____, seconded by, _____, to approve the minutes of meetings of August 23rd and September 7th.

PROCLAMATION – The Mayor will proclaim the month of September as Childhood Cancer Awareness Month in the Township of Neptune.

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

REPORT OF THE BUSINESS ADMINISTRATOR – The Business Administrator will report on capital projects and matters of general interest.

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

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

ORDINANCE NO. 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 – Final Reading

Explanatory Statement: This ordinance authorizes a resident only handicapped parking in front of 39 Central Avenue and removing existing resident only handicapped parking zones in front of 56 Asbury Avenue and 28 Atlantic Avenue.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

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 – Final Reading

Explanatory Statement: This ordinance designates Asbury Avenue in Ocean Grove to a through street which will change the intersections with Delaware Avenue and Pennsylvania from yield intersections to stop intersections.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

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 – First Reading

Explanatory Statement: This ordinance removes the Table of Contents of the Township's Personnel Policy Guidebook from the General Code.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

The Clerk announces that the Public Hearing on Ordinance 21-43 will be held at the next regularly scheduled meeting on Thursday, October 7, 2021.

CONSENT AGENDA

Res. #21-312 – Authorize an amendment to the 2021 municipal budget to realize monies from the Federal Emergency Management Agency.

Res. #21-313 – Accept the resignation of Robert Scholz as a member of the Fletcher Lake Commission.

Res. #21-314 – 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.

Res. #21-315 – Accept the resignation of Kathryn Kelly as a School Crossing Guard.

Res. #21-316 – Place lien on various properties.

Res. #21-317 – Confirm receipt of the annual Report of Audit for the Township of Neptune for the year 2020.

Res. #21-318 – Declare intent of the Township Committee to no longer pursue the South Riverside Drive Bicycle/Pedestrian Path and vistas project.

Res. #21-319 – 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 University Medical Center/HOPE Tower.

Res. #21-320 – Employ Special Law Enforcement Officers – Class I and Class II in the Police Department on a part-time basis.

Res. #21-321 – Authorize replacement of camera and timer at the Neptune Boulevard and Heck Avenue traffic signal.

Res. #21-322 – Authorize the purchase of bulletproof vests for the Police Department through the State Cooperative Purchasing Program.

Res. #21-323 – Authorize the purchase of ammunition for the Police Department through the State Cooperative Purchasing Program.

Res. #21-324 – Extend unpaid leave of absence.

Res. #21-325 – Reclassify employee to the position of Administrative Assistant to the Chief Financial Officer.

Res. #21-326 – Reclassify employee to the position of Accountant in the Tax Collection Department.

Res. #21-327 – Reclassify employee to the position of Payroll Accountant in the Finance Department.

Res. #21-328 – Accept the resignation of Levar Wright as a Driver in the Public Works Department.

Res. #21-329 – Authorize Township Engineering Consultant to perform engineering services in connection with various capital projects.

Res. #21-330 – Authorize purchase and installation of an electronic message sign at the Senior Center.

Res. #21-331 – Accept the resignation of Jason Ross as Recreation Coordinator in the Recreation Department.

Res. #21-332 – Authorize Change Order #1 in connection with drainage improvements on Cliffwood Drive and Highland Avenue.

Res. #21-333 – Appoint Alison Walby as Economic Development Corporation Secretary.

Res. #21-334 – Authorize use of rights-of-way in the Township of Neptune by Comcast of Monmouth County, LLC.

Res. #21-335 – Accept donation of passenger bus from the County of Monmouth.

Res. #21-336 – Authorize amended Developer's Agreement with WCS Group, LLC, for Block 3902, Lots 2 & 3, 600 Essex Road.

Res. #21-337 – Authorize Change Order #1 (final) in connection with North Riverside Drive improvements.

Res. #21-338 – Authorize the purchase of five (5) police vehicles through the State Cooperative Purchasing Program.

Res. #21-339 – Authorize the refund of taxes as a result of an overpayment.

Res. #21-340 – Accept the resignation of Ryan Moses as a part-time Senior Emergency Medical Technician.

Res. #21-341 – Accept the resignation of Ralph Noriega as a part-time Emergency Medical Technician.

Res. #21-342 – 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.

CONSENT AGENDA Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-343 - Authorize a reduction in the performance guarantees filed by Victoria Estates, LLC for site improvements at Neptune Estates Phase 1A and 1B (3351 Highway 33).

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-344 – Award bid for improvements to Embury and Ridge Avenues.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-345 – Remove Neptune Township Business Administrator from office as of December 31, 2021.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-346 – Authorize the purchase of two refuse truck bodies through the Educational Services Commission of New Jersey Purchasing Program.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-347 – Authorize the purchase of two refuse truck cabs and chassis through the Sourcewell National Purchasing Cooperative.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-348 – 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.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-349 – Authorize settlement in matter of Reshat Suboyu v. Neptune Township.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-350 – Authorize settlement in matter of Ebony Lanier v. Neptune Township and Fire Chief John C. Mascarelli.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-351 – Authorize the payment of bills.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-352 – Appoint member to the Fletcher Lake Commission.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

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

ADJOURNMENT



Neptune

Township - NJ

Where Community, Business & Tourism Prosper

Proclamation

WHEREAS, childhood cancer is the leading cause of death by disease in children, and;

WHEREAS, 1 in 285 children in the United States will be diagnosed by their 20th birthday, and 46 children per day, or 16,790 children per year, are diagnosed with cancer in the U.S., and;

WHEREAS, there are approximately 40,000 children on active treatment at any given time, the average age of diagnosis is 6 years old, compared to 66 years for adults' cancer diagnosis, and 80% of childhood cancer patients are diagnosed late and with metastatic disease, and;

WHEREAS, two-thirds of childhood cancer patients will have chronic health conditions as a result of their treatment toxicity, with one quarter being classified as severe to life-threatening, and;

WHEREAS, approximately one half of childhood cancer families rate the associated financial toxicity due to out-of-pocket expenses as considerable to severe, and;

WHEREAS, in the last 20 years only four new drugs have been approved by the FDA to specifically treat childhood cancer and the National Cancer Institute recognizes the unique research needs of childhood cancer and the associated need for increased funding to carry this out; and,

WHEREAS, hundreds of non-profit organizations at the local and national level including the American Childhood Cancer Organization are helping children with cancer and their families cope through educational, emotional and financial support, and;

WHEREAS, as researchers and healthcare professionals work diligently dedicating their expertise to treat and cure children with cancer, there are too many children affected by this deadly disease and more must be done to raise awareness and find a cure,

NOW, THEREFORE, I, Dr. Michael Brantley, Mayor of the Township of Neptune, do hereby proclaim September 2021 as Childhood Cancer Awareness Month in the Township of Neptune, State of New Jersey and I encourage all citizens to observe Childhood Cancer Awareness Month and support this cause that so deeply impacts families in every community across our country.

DATED: September 13, 2021

ATTEST: _____
Richard J. Cuttrell, Clerk

Dr. Michael Brantley, Mayor

Keith Cafferty
Tassie D. York

Robert Lane, Jr.
Nicholas Williams

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

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

SECTION 1

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

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Central Avenue	1	West side of Central Avenue beginning 42 feet south of the southwest intersection of Central Avenue and Pitman Avenue

SECTION 2

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

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Atlantic Avenue	1	South side of Atlantic Avenue beginning 168 feet east of the southeast intersection of Atlantic Avenue and Central Avenue
Asbury Avenue	1	South side of Asbury Avenue beginning 71 feet west of the southwest intersection of Asbury Avenue and Pilgrim Pathway

SECTION 3

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

APPROVED ON FIRST READING:

August 23, 2021

APPROVED, PASSED, AND ADOPTED:

September 27, 2021

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

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

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

SECTION 1

Volume I, Chapter VII, Section 7-10 – Through Streets, is hereby amended by amending the following:

<u>Name of Street</u>	<u>Limits</u>
Asbury Avenue	Between Benson Avenue and Pilgrim Pathway

(References in Section 7-10 to yield intersections on Delaware Avenue and Pennsylvania Avenue at Asbury Avenue are hereby repealed and superseded by the above)

SECTION 2. This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING

August 23, 2021

APPROVED, PASSED, AND ADOPTED:

September 27, 2021

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

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

BE IT ORDAINED, by the Township Committee of the Township of Neptune as follows:

SECTION 1.

Section 9-29.1 of the Code of the Township of Neptune is hereby deleted.

SECTION 2.

This Ordinance shall take effect immediately upon passage and publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

Richard J. Cuttrell
Municipal Clerk

Dr. Michael Brantley
Mayor

RESOLUTION #21-312 - 9/27/21

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,

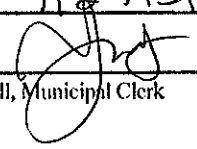
BE IF FURTHER RESOLVED, that the above is the result of funds received from the Federal Emergency Management Agency (FEMA) in the amount of \$80,062.68; and,

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.

Vote:

Cafferty: aye
Lane: aye
Williams: aye
York: aye
Brantley: aye

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 9/27/21


Richard J. Cuttrel, Municipal Clerk

RESOLUTION #21-313 - 9/27/21

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.

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-315 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-316 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrel, Municipal Clerk

RESOLUTION #21-317 - 9/27/21

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 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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-318 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-319 – 9/27/21

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-320 - 9/27/21

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
Mi'jaut 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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-321 - 9/27/21

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.

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-322 - 9/27/21

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-323 - 9/27/21

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.

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

A

RESOLUTION #21-324 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-325 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

4

RESOLUTION #21-326 - 9/27/21

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.

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-327 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-328 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-329 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-330 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-331 - 9/27/21

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 Levar Wright 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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-332 - 9/27/21

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,

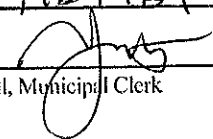
WHEREAS, funds for this purpose are available in Ordinance No. 20-19 and the Chief Financial Officer has so certified in writing,

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.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 9/27/21


Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-333 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-334 – 9/27/21

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

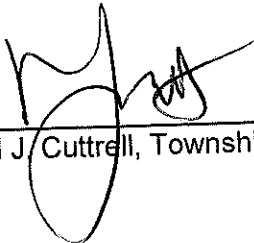
WHEREAS, the granting of such consent is and shall be conditional upon Comcast's compliance with all existing and future applicable ordinances of the Township;

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.

I, Richard J. Cuttrell, Township Clerk of the Township of Neptune, in the County of Monmouth, New Jersey, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Neptune, New Jersey at a meeting held on September 27, 2021.

IN WITNESS THEREOF, I, the said Township Clerk hereunto set my hand and affixed the corporate seal of the City, on this 27th day of September, 2021.


Richard J. Cuttrell, Township Clerk

RESOLUTION #21-335 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-336 – 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-337 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-338 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-339 - 9/27/21

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 CAMP MEETING ASSN	54 PITMAN AVE	2018	22,573.35
148	1	OCEAN GROVE CAMP MEETING ASSN	54 PITMAN AVE	2019	22,340.75
148	1	OCEAN GROVE CAMP MEETING ASSN	54 PITMAN AVE	2020	22,044.71
148	1	OCEAN GROVE CAMP MEETING ASSN	54 PITMAN AVE	2021	11,022.36

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

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-340 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-341 - 9/27/21

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-342 - 9/27/21

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-343 - 9/27/21

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)

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-344 - 9/27/21

AWARD BID FOR IMPROVEMENTS TO EMBURY AND RIDGE AVENUES

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-345 - 9/27/21

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

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-346 - 9/27/21

AUTHORIZE THE PURCHASE OF TWO REFUSE TRUCK BODIES THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY PURCHASING PROGRAM

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-347 - 9/27/21

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

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-348 – 9/27/21

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

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.

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-349 – 9/27/21

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

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-350 – 9/27/21

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

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.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-351 – 9/27/21

AUTHORIZE THE PAYMENT OF BILLS

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

CURRENT FUND	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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON SEPTEMBER 27, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-352 - 9/27/21

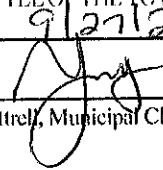
APPOINT MEMBER TO THE FLETCHER LAKE COMMISSION

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 2021; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON 9/27/21


Richard J. Cuttrel, Municipal Clerk