

TOWNSHIP COMMITTEE MEETING – DECEMBER 10, 2018

Mayor Williams called the meeting to order at 6:00 p.m. and requested the Clerk to call the roll. The following members were present: Dr. Michael Brantley, Robert Lane, Jr., Kevin B. McMillan, Carol Rizzo, and Mayor Nicholas Williams.

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

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

The following items were discussed in open session:

Charles Fallon was present to review 2017 audit. Mr. Fallon stated that he rendered the best possible opinion to the Township in the audit. The audit notes a material weakness which is an incomplete general ledger. There were balances in and among funds that needed to be corrected and numerous journal entries were made. This is the first year that this material weakness was noted. Mr. Fallon stated that the weakness was due to lack of oversight in the Finance Department. Mr. Fallon cannot be completely sure that the records reflect reality due to the number of journal entries that the auditors had to make, but a clean opinion was given.

Mr. Fallon reviewed fourteen other items that were not material weaknesses but were required to be referenced in a comment. The items need to be fixed by next year. The comments involve various departments and will be addressed by the respective department heads.

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

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

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

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

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

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:  
  
Personnel – Recommendation for hiring of part-time Public Safety Officer  
Contract negotiations – RFP for various professionals for 2019  
Personnel – Recommendation for Recreation Coordinator position
3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.
4. This Resolution shall take effect immediately.

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

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

The Committee reviewed recommendations for the hiring of a part-time Public Safety Officer, two Special Law Enforcement Officers – Class II, and a full-time Recreation Coordinator. The Committee asked that the appropriate resolutions be placed on the next regular meeting for consideration.

Mr. Anthony stated that one of the insurance carriers involved in declaratory judgement in the

Horan matter has requested that the matter be transferred to federal court.

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

Mayor Williams called the meeting to order and requested the Clerk to call the roll. The following members were present: Dr. Michael Brantley, Robert Lane, Jr., Kevin B. McMillan, Carol Rizzo, and Mayor Nicholas Williams.

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

After a moment of Silent Prayer and the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

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

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

#### APPROVAL OF MINUTES

Ms. Rizzo offered a motion, seconded by Dr. Brantley, to approve the minutes of the meeting held on November 26th. All were in favor.

#### RECOGNITION OF RETIRING TOWNSHIP EMPLOYEE

The Mayor and Township Committee recognized Forrest "Moose" Ferguson who recently retired from the Department of Public Works after 32 years of service.

#### COMMENTS FROM THE DAIS

Dr. Brantley attended the groundbreaking ceremony for the skate park at Sunshine Village Fields earlier this day.

Mr. Lane attended multiple tree lightings and the Donuts with Santa event which had a big turnout. He thanked Police Officer Tom Blewitt for playing Santa Claus again this year. Mr. Lane announced a Christmas Tool Shop at the Jersey Shore Dream Center at Macedonia Baptist Church on December 16<sup>th</sup>.

Ms. Rizzo stated that she spoke to 3<sup>rd</sup> graders at Midtown Elementary School about government. She attended the Mayor's Youth Cabinet meeting and they are a great group of young people. She met with the new Director of the Ocean Grove Camp Meeting Association and suggested that the Township look at a Pearl Harbor Day recognition event. The Camp Meeting Association does a wreath laying every year at the ocean and the NJROTC from the Neptune High School participates.

Mayor Williams thanked the Township Committee, Township Administration, and the County of Monmouth for the skate board park. This was one of the first projects that he wanted to accomplish when he was elected to office.

#### PUBLIC COMMENTS ON RESOLUTIONS

There were no public comments on resolutions.

#### CONSENT AGENDA

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

#### EXTEND EMPLOYEE PROBATIONARY PERIOD

WHEREAS, on December 11, 2017, the Township Committee adopted Resolution #17-480

which extended an offer of employment to Nikki Rogers for the position of Violations Clerk in the Municipal Court; and,

WHEREAS, said resolution set a probationary period of not less than ninety (90) days, nor more than one (1) year, as part of the conditions of employment; and,

WHEREAS, Nikki Rogers' began her employment with the Township on January 2, 2018; and,

WHEREAS, the Human Resources Director and Municipal Court Administrator have recommended that the probationary period be extended for an additional three (3) months; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the probationary employment period of Nikki Rogers, Violations Clerk, be and is hereby extended until March 31, 2019; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Human Resources Director, Municipal Court Administrator, Judge Wernik and Nikki Rogers.

ACCEPT THE RESIGNATION OF MYCHAL MILLS AS A MEMBER OF THE PLANNING BOARD

WHEREAS, the Planning Board Administrative Officer has received a letter from Mychal Mills resigning as an alternate member of the Planning Board effective November 29, 2018,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Mychal Mills as an alternate member of the Planning Board is hereby accepted effective November 29, 2018; and,

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

EXTEND TEMPORARY SEASONAL PERSONNEL IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township has a need to employ seasonal workers in the Department of Public Works for the leaf collection season; and,

WHEREAS, on September 10, 2018, the Township Committee adopted Resolution #18-310 which authorized the temporary employment of seasonal workers through December 15, 2018; and,

WHEREAS, the Director of Public Works and Human Resources Director have recommend that the temporary employment be extended through December 31, 2018; and,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the temporary seasonal employment of the following individuals in the Department of Public Works be and is hereby extended through December 31, 2018, not to exceed forty (40) hours per week, at a salary of \$15.00 per hour with no health benefits:

Brandon Cottman	John Fritz, Jr.	Sy'Kear Westbrook
Ryan Balzarano	Thomas Jones	

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 the Director of Public Works.

AUTHORIZE DEMOLITION OF THE STRUCTURE AT THE FORMER WELSH FARMS PROPERTY, 703 OLD CORLIES AVENUE

WHEREAS, the Township Engineer solicited quotes for the demolition and necessary asbestos abatement of the remaining structure at the former Welsh Farms property, now owned by the Township of Neptune, at 703 Old Corlies Avenue; 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 Township Engineer and the Purchasing Agent 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. 14-13, as amended by Ordinance No. 14-29, 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 demolition and abatement of the remaining structure at the former Welsh Farms property located at 703 Old Corlies be and is hereby authorized to be performed by Nacirema Demolition and Recycling, Inc. pursuant to their quote of \$39,875.00; and,

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

**AUTHORIZE THE CANCELLATION OF THE UNEXPENDED BALANCE OF VARIOUS ORDINANCES**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed or no longer required; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled; and

WHEREAS, there are grant and other receivables related to these cancellations, and as such, the finance department is authorized to cancel all associated receivables;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the unexpended and dedicated balances of General, Sewer and Marina Capital Appropriations and associated receivables be canceled:

<b>ORDINANCE</b>	<b>FUNDED</b>	<b>UNFUNDED</b>
General 04-32	\$ 13,171.03	
General 05-29	\$ 47,596.98	
General 07-38	\$ 105.50	
General 07-40	\$ 5,693.22	
General 09-27	\$ 16,122.48	
General 11-02	\$ 2,426.99	
General 11-05/14-3	\$ 3,644.92	
General 12-17	\$ 830.40	
General 12-24	\$ 11,311.10	
General 13-39	\$ 32,700.67	
General 13-23	\$110,458.22	
General 13-27	\$ 2,870.75	
General 14-09	\$ 46,262.37	
General 14-12	\$ 3,331.75	
General 14-20	\$ 40.66	
General 15-06	\$ 1,498.81	
General 15-03	\$111,301.62	
General 15-46	\$ 2,760.00	
Sewer 07-41	\$118,324.78	
Sewer 12-14	\$ 26,094.52	
Sewer 15-36	\$ 310.25	
Marina 13-18	\$ 4,800.00	
Marina 12-18	\$ 411.14	

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

**AUTHORIZE THE TRANSFER OF 2018 BUDGET APPROPRIATIONS**

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

WHEREAS, the Chief Financial Officer has recommended that the following appropriation

transfers be authorized:

	TO	FROM
<b><u>Current Fund</u></b>		
MIS OE	\$4,000	
Legal OE	\$40,000	
Group Ins OE	\$60,000	
HPC S&W	\$2,500	
Construction OE	\$7,500	
Env. Shade Tree S&W	\$250	
Court OE	\$2,500	
TOTAL	\$116,750	
Human Resource S&W		\$4,000
Tax S&W		\$5,000
Assessing S&W		\$10,000
Engineer S&W		\$10,000
EDC S&W		\$4,000
HPC OE		\$2,500
Land Use S&W		\$3,000
Construction S&W		\$3,000
Police S&W		\$25,000
Roads S&W		\$15,000
Health S&W		\$2,500
MOMV OE		\$30,000
Env. Shade Tree OE		\$250
Court S&W		\$2,500
TOTAL		\$116,750
<b><u>Sewer Utility</u></b>		
Sewer OE	\$30,000	
Sewer Group Ins	\$30,000	
Sewer TNSA		\$60,000

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

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

**CONFIRM THE RECEIPT OF THE ANNUAL REPORT OF AUDIT FOR THE TOWNSHIP OF NEPTUNE FOR THE YEAR 2017**

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 2017 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:

General Comments  
Recommendations

Auditors' Opinions

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:

General Comments  
Recommendations  
Auditors' Opinions

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

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

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

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

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

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

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

AWARD BID FOR IMPROVEMENTS TO BRIGHTON AVENUE

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

WHEREAS, on November 26, 2018, the Township Engineer received bids for the award of a contract for the Improvements to Brighton Avenue; and,

WHEREAS, said bids were reviewed by the Township Engineer and Engineering Consultant who have recommended that the bid be awarded to the lowest bid submitted by Earle Asphalt Company; 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. 16-33 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 Earle Asphalt Company on their lowest responsible bid of \$234,813.13 for Improvements to Brighton Avenue, contingent upon approval by the New Jersey Department of

Transportation; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

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

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

CURRENT FUND	362,197.57
GRANT FUND	22,931.11
TRUST FUND	5,742.87
GENERAL CAPITAL FUND	44,093.86
SEWER OPERATING FUND	1,028,053.50
SEWER CAPITAL FUND	631.21
MARINA OPERATING FUND	40,386.79
MARINA CAPITAL FUND	5,937.25
LIBRARY TRUST	1,874.78
BILL LIST TOTAL	\$1,511,848.94

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

The resolution was adopted on the following vote: Brantley, aye; Lane, aye; McMillan, aye, except abstain on the check for his reimbursement of expenses; Rizzo, aye; and Williams, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Hank Coakley, Valley Road, asked if the state was contacted regarding the poor paving job on Route 33. Dr. Brantley stated that they are currently working on resetting the manhole covers. Mr. Coakley asked about the requirement for street numbers posted on commercial buildings. Mr. Gadaleta stated that the Code Enforcement Department does inspections and this issue will be added to the next newsletter. Mr. Coakley stated that something must be done about the non-migratory geese.

Joan Venezia, 107 Mt. Hermon Way, asked if the Committee can change the ordinance regulating residential handicapped parking spots to not permit a spot if the person rents out the property or is away for long periods of time. Mr. Anthony stated that this type of restriction is not permitted in the enabling legislation. Ms. Venezia asked that money be placed in the 2019 budget for a parking consultant to examine the parking issues in Ocean Grove. She thanked Mr. Gadaleta for a copy of the site plan for the single family houses proposed in the North End Redevelopment Zone. She asked if the plan is ready to go to the Historic Preservation Commission (HPC). Mr. Gadaleta replied that the architects for OGNED are completing the plan and a hearing at the HPC will occur next year. Ms. Venezia stated that Asbury Park announced a public comment on the redevelopment zone at the north end of Asbury Park. She asked for a similar comment opportunity and transparency with the North End Redevelopment Zone.

Jack Bredin, 94 1/2 Heck Avenue, stated that he agrees Ms. Venezia's comments on the North End. In regards to the audit, he stated that it is impossible for everything to come out to the

penny. He stated that there are two locations on his block where the police have responded to multiple calls. He is very proud of the way the Neptune Police Department treats everyone and believes that they are wonderful.

Mr. Gadaleta stated that the Township's Assistant Attorney is meeting with the Attorney representing 9 Broadway before the matter is brought back to court.

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

Richard J. Cuttrel,  
Municipal Clerk