

TOWNSHIP COMMITTEE WORKSHOP MEETING – September 11, 2023 – 6:00 P.M.

Meeting Location: Neptune Senior Center, 1607 Corlies Ave. Neptune, NJ 07753

Mayor Cafferty calls the workshop meeting to order at 6:01 p.m. and asks the Clerk to call the roll:

Township Committee	Present/ Absent	Professionals	Present/ Absent
Dr. Michael Brantley	<u>Absent</u>	Gina LaPlaca, Business Administrator	<u>Present</u>
Robert Lane, Jr.	<u>Absent</u>	Gabriella Siboni, Township Clerk	<u>Present</u>
Nicholas Williams	<u>Present</u>	Gene Anthony, Township Attorney	<u>Present</u>
Tassie D. York	<u>Present</u>		
Keith Cafferty	<u>Present</u>		

Mayor Cafferty announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 5, 2023, 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). Notice of the change in meeting location was advertised on August 17, 2023.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Beach Access and Action by NJDEP

Mr. Anthony stated that there has been a discussion about beach access and Mr. Anthony has submitted opinion letters on this matter. Mr. Anthony stated that the beach is under the Green Acres exemption whereas the other exemptions are under religious entities exemption. The Township is in receipt of correspondence that states the Township has the ability to remove a tax exemption.

Mr. Anthony stated the exemption that exists was certified by the NJDEP years ago. The exemption states that if there is an open space for everyone, the property is exempt from tax exemption. This exemption must be reapplied for every three years. This exemption is investigated by the NJDEP, not by the municipality. There are other instances where the investigation was down by the Township Assessor’s office. The NJDEP division for Green Acres investigates and determines status. Mr. Anthony cited Milford v. Garfield to challenge a Green Acres exemption. NJDEP re-certified the exemption, and it was appealed in court. The case stated that since the NJDEP creates the examination, they should have insight. The Tax Assessor is noted as having final say. NJDEP

Mr. Anthony stated that even though the legislation offers the powers to the Township Assessor to revoke the exemption, he does not have the basis to revoke the exemption. Mr. Haney indicated that the Township did not do the investigation and if the NJDEP recertifies the exemption, there would be no basis for the Township to remove the exemption. Mr. Anthony stated the Tax Assessor is an agent separate from the Township and cannot be told how to take action under the statute. The State has made an assessment that there is no violation to the Green Acres.

Mr. Anthony stated the focus of the Township should be on the letter from NJDEP Bureau of Coastal and Land Use Compliance and Enforcement on August 10 that was a warning letter for compliance violation. This is an enforcement of the Public Trust Doctrine. Mr. Anthony stated a complaint should be filed with this specific bureau of the NJDEP to ask that they enforce on this violation.

Deputy Mayor York stated she believes the Township Attorney should write the stated letter to NJDEP. Mayor Cafferty and Committeeman Williams were in agreement.

2. Committee Calendars

Res #23 - 319 Authorize An Executive Session As Authorized By The Open Public Meetings Act.

Offered by:	<u>Williams</u>	Seconded by:	<u>York</u>
<i>Vote:</i>	Brantley <u>Absent</u> Lane <u>Absent</u> Williams <u>Yes</u> York <u>Yes</u> Cafferty <u>Yes</u>		

Adjourned at 6:16PM to enter Executive Session

TOWNSHIP COMMITTEE MEETING – September 11, 2023 – 7:00 P.M.

Meeting Location: Neptune Senior Center, 1607 Corlies Ave. Neptune, NJ 07753

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

Township Committee	Present/ Absent	Professionals	Present/ Absent
Dr. Michael Brantley	<u>Absent</u>	Gina LaPlaca, Business Administrator	<u>Present</u>
Robert Lane, Jr.	<u>Present</u>	Gabriella Siboni, Township Clerk	<u>Present</u>
Nicholas Williams	<u>Present</u>	Gene Anthony, Township Attorney	<u>Present</u>
Tassie D. York	<u>Present</u>		
Keith Cafferty	<u>Present</u>		

MOMENT OF SILENCE 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 Cafferty announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 5, 2023, 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). Notice of the change in meeting location was advertised on August 17, 2023.

APPROVAL OF MINUTES

Motion offered by Committeeman Lane, seconded by Committeeman Williams, to approve the minutes of meetings of August 14, 2023.

Motion offered by Deputy Mayor York, seconded by Committeeman Lane, to approve the minutes of meetings of September 5, 2023.

PRESENTATION

Proclaiming September 11, 2023, as Remembrance Day

WHEREAS, On September 11, 2001, the United States of America suffered from a terrorist attack at the World Trade Center, Pentagon, and onboard United Flight 93 and almost 3,000 innocent people lost their lives; and

WHEREAS Neptune Township sent a team of EMS volunteers as part of the New Jersey EMS Task Force that responded in New York City to assist the FDNY. Two of those EMS volunteers, Louis Rochelle and Molly Berkowitz were two of the many first responders who became ill after their efforts at Ground Zero. Sadly, both succumbed to their illnesses, and

WHEREAS we continue to offer support to the families and friends who lost loved ones in the devastating events and remember the heroic actions of those brave individuals who provided aid through this tragedy; and

WHEREAS, Barack Obama said “Even the smallest act of service, the simplest act of kindness, is a way to honor those we lost, a way to reclaim that spirit of unity that followed 9/11”

THEREFORE, BE IT PROCLAIMED, that I, Keith Cafferty, Mayor of the Township of Neptune, along with the entire Township Committee, do hereby proclaim September 11, 2023, as Remembrance Day

COMMENTS FROM THE DAIS

Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

Williams Mr. Williams asked Mr. Bascom to give an update from our Office of Emergency Management. Mr. Williams stated there have been more than 20 rescue ANSWER calls, 52 Hazmat incidents, and several major plans have been updated for the Township for response to emergency events. OEM hosted a Youth Emergency services camp. There are hurricanes offshore that will impact the waters and coastal flooding. Mr. Williams suggested that all monitor weather updates related to the impending storms. OEM has suggested that residents research proper use and storage of lithium batteries to avoid dangerous situations.

Mr. Williams stated that Mr. Bascom and Michael DiLeo and those named in the proclamation assisted in efforts at 9-11.

Mr. Williams encouraged all to sign up for a library card. There were 6,104 books read by those who participated in the summer reading program.

Lane Mr. Lane thanked everyone for coming out to the promotion of our new Chief Gualario. Mr. Lane attended a retirement dinner for outgoing Chief Fisher. Mr. Lane stated Neptune Day was a success even in the face of not great weather.

Mr. Lane stated that Hometown Heroes applications for banners are due October 13.

Mr. Lane stated that the vaccine clinic is hoping to have the new vaccine available.

Vaccine and testing clinics are cancelled until the new vaccine is available. There are test kits available to

York Deputy Mayor York stated there was a community cookout with Senator Gopal. Deputy Mayor York also attended a signing for the veterans with Governor Murphy. Deputy Mayor York attended an LGBTQIA gala, the Ocean Grove Flea Market and Neptune Day.

The school board will be getting additional bussing to encourage residents to send the public schools rather than charter schools.

Cafferty Deputy Mayor York recognized the passing of Hank Coakley.

Mayor Cafferty stated that despite the weather, there was a great turnout. There was also a shuttle available from the senior center to the Flea Market and Neptune Day.

REPORT OF THE BUSINESS ADMINISTRATOR

The Business Administrator will report on capital projects and matters of general interest.

Update on Homeless Encampment- This Wednesday September 13, the Monmouth County Continuum of Care will hold its monthly case conference regarding the status of residents of the encampment and their efforts to relocate each resident to appropriate housing alternatives. As of our last update, the population of the camp was down to 20 residents from a high of as many as 35 residents. Of those 20 remaining residents, many have applied for housing assistance with various agencies in the area or are either on active waiting lists or awaiting final approvals to determine what type of assistance they may qualify for. I will be attending the case conference this weekend looks forward to providing the Committee with a progress report.

ADMINISTRATION OF OATH OF OFFICE FOR DEPUTY CHIEF OF POLICE

- **Chief Gualario will introduce Deputy Chief of Police.**

Michael McGhee began his law enforcement career in the Neptune Township Police Department in 1999 after graduating the New Jersey State Police Basic Course for Police Officers 201st municipal academy in January of 2000. Mike has held various roles during his tenure beginning in the patrol division and later transitioned into roles such as a member of the Quality of Life/Street Crimes Unit, School Resource Officer, GREAT instructor and as a Juvenile Detective. In 2011 he was promoted to Patrol Sergeant. Shortly after, in November 2012, he was promoted to the position of Detective Lieutenant, overseeing the day-to-day operations of the Detective Bureau. Two years later he would be reassigned as an Administrative Lieutenant in Internal Affairs, while also being the Grants Officer, Training Officer and handling the responsibilities as the department's Public Information Officer. In August 2016, he was promoted to the rank of Captain assigned to oversee the Operations Division, overseeing patrols and Street Crimes Unit. Over the past 13 months he was reassigned as the Administrative Captain, overseeing the Detective Bureau, Records Bureau, Traffic Bureau, the Special Law Enforcement Officers, recruitment, and other administrative duties.

Mike was born, raised and still resides in Neptune Township. He attended Neptune Public Schools graduating from Neptune High School in 1995. As a decorated high school student-athlete, Mike attended The College of New Jersey, where he continued his academic and soccer career, before transitioning to play college football for three years.

Obtaining a degree in Criminal Justice, Mike was hired by the Neptune Township Police Department soon after

graduating.

Mike had the privilege of coaching boys’ basketball at Neptune High School, coaching recreation soccer and Little League and currently as a coach in the Neptune Travel Soccer program where he also serves as a member of the board.

Mike is a Monmouth County 200 Club Commendation Award recipient and has attended high level training including the NJ State Association of Chiefs of Police West Point Command & Leadership Academy, New Police Chiefs Orientation School, Police Executive Institute, the FBI-LEEDA Executive Leadership Institute, Penn State High Impact Supervision and both the New Jersey State Police and NYPD Homicide Investigators Course.

Mike also holds a master’s degree in Police Graduate Studies from Seton Hall University.

Mike is a member of Holy Innocents Catholic Church and The Friendly Sons of the Shillelagh in Belmar.

He is married to his wife Kristen and has two children, Casey, and Brady.

• **Township Committee will offer comments on the appointment.**

- Williams Mr. Williams wished congratulations to Mr. McGhee
- Lane Mr. Lane stated he believed this will be a great new team for Neptune Township and believes it’s wonderful to see the children he mentored through soccer here to support him.
- York Ms. York stated she is very proud of Mr. McGhee for this achievement and knows that Neptune is in Mr. McGhee’s heart. Ms. York wished for Deputy Chief McGhee to protect the team in blue and to follow his path in this new position.
- Cafferty Mayor Cafferty stated it is an honor to have Chief Gualario and Deputy Chief McGhee leading and protecting Neptune.

- **Swearing in of Deputy Chief of Police**
- **Presentation of Badge**

PRESENTATIONS TO THE DEPUTY CHIEF

• **Assemblywoman Eulner and Assemblywoman Piperno will offer comments on the appointment.**

Assemblywoman Eulner and Assemblywoman Piperno came to congratulate Deputy Chief on his new appointment and wished him great success and safety as he moves forward. Deputy Chief McGhee was presented with a citation from the Assembly.

Assemblywoman Piperno stated the County Commissioners send their regrets for not being able to attend but presented a certificate of recognition from the County Commissioners. September 11, 2023 is proclaimed Michael McGhee day in Monmouth County by Director Arnone and the County Commissioners.

Deputy Chief McGhee thanked all those in attendance. Deputy Chief McGhee recognized his mother and stated his father would be proud of this achievement. Deputy Chief McGhee recognized his siblings as well. Deputy Chief McGhee thanked law enforcement, the Assemblywomen, and other agencies for coming to support him on this appointment. Deputy Chief McGhee stated he is honored to work with Chief Gualario. Deputy Chief McGhee wanted to thank the Neptune Police Department for their support and have always had his back and he wants them to know he will always have them. Deputy Chief McGhee thanked the support of the Neptune Soccer teams here for him tonight as well.

PUBLIC COMMENTS ON RESOLUTIONS

The Clerk will announce additional information regarding Separated Resolutions if necessary.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
Kaitlynn Basso	Emergency Medical Services	Per Diem EMT	\$26.52/hr	9/12/2023
Douglas Kaplan	Emergency Medical Services	Per Diem EMT	\$26.52/hr	9/12/2023
Hunter Reid	Emergency Medical Services	Full Time EMT	\$46,000.00	9/12/2023

Matthew Spirko	Emergency Medical Services	Full Time EMT	\$46,000.00	9/12/2023
Timothy Bogus	Emergency Medical Services	Full Time EMT	\$60,000.00	9/12/2023

Public comments regarding resolutions presented on this agenda only.

The public comment portion of our meeting is to allow the public to bring to the Committee’s attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a) and the Neptune Rules of Committee, the Committee asks the public to limit their comments to five minutes or less. The Committee will respect the public’s time by refraining any comment until the speaker has finished with their allotted time. It should be further noted that public comment portion of our meeting is not structured as a question-and-answer session. If a member of the public has questions, they seek answers to, an appointment can be made with the appropriate office, Business Administrator or Township Committee Liaison during regular business hours. The Township Clerk will regulate the time during the comment portion of our meeting. The Committee reserves the right to respond to comments or questions at the conclusion of the speaker’s time.

No Public Comment

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

PUBLIC HEARING AND FINAL ADOPTION ORDINANCES:

Ordinance 23-32 Ordinance Authorizing The Leasing Of Certain Capital Equipment By The Township Of Neptune, In The County Of Monmouth, New Jersey From The Monmouth County Improvement Authority And The Execution Of A Lease And Agreement Relating Thereto

- | | |
|-------------------------------|--|
| Pamela Rimler, Asbury Ave. | Ms. Rimler asked what the quantity of each of the equipment is listed on Exhibit A. |
| | Ms. Siboni explained the ordinance is authorizing participation in a program, there are not purchases being completed through the ordinance. |
| Cindy Kleinbert, Broadway | Ms. Kleinbart stated the ordinance notes \$4,00,000 without notifying the residents what the items being purchased are. Ms. Kleinbart asked for clarification on how much and what is being purchased. |
| | Ms. Siboni explained the ordinance is authorizing participation in a program, there are not purchases being completed through the ordinance. |
| Randy Bishop, Howell, NJ | Mr. Bishop asked if the ordinance is stating to the utility that this is the inclusive wish list, but there are many things that are not always granted in the capital plan. |
| Barbara Burns, Ocean Ave. | Ms. Burns asked if the amounts listed are caps to the amount sent and how many items would be purchased with that money. Mayor Cafferty stated they are caps. |
| Shane Martins, Mt. Hermon Way | Mr. Martins stated the clerk stated there is a rotation and Mr. Martins stated the departments would submit a need for the number of equipment needed, not the price. |
| Eliza Greenblatt, | Ms. Greenblatt asked if the spending of \$4,000,000 is approved by this ordinance. Mayor Cafferty stated this is not authorizing the expenditure |

Offered by:	<u>Lane</u>	Seconded by:	<u>Williams</u>
<i>Vote:</i>	Brantley <u>Absent</u> Lane <u>Yes</u> Williams <u>Yes</u> York <u>Yes</u> Cafferty <u>Yes</u>		

ORDINANCES FOR FIRST READING

There are no ordinances for first reading.

CONSENT AGENDA

- Res #23- 320** Authorize Renewal Of Liquor Licenses For The 2023-2024 Licensing Year
- Res #23- 321** Accept A Corrective Action Plan In Connection With The 2022 Audit Recommendations
- Res #23- 322** Place Lien On Various Properties
- Res #23- 323** A Resolution Of The Township Of Neptune, New Jersey Approving The Form And Authorizing The Execution And Delivery Of A Letter Of Representation And A Continuing Disclosure

Agreement In Connection With The Issuance And Delivery Of The Monmouth County Improvement Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2023 And Authorizing An Authorized Municipal Representative To Do All Other Things Deemed Necessary Or Advisable In Connection With The Issuance, Sale And Delivery Of Such Bonds

- Res #23- 324 Designate 2024 Floating Holiday
- Res#23- 325 A Resolution Of The Township Committee Of The Township Of Neptune Accepting Resignations
- Res#23- 326 Authorize The Cancellation Of Taxes
- Res#23- 327 Authorize The Execution Of A Commodity Resale Agreement With The County Of Monmouth
- Res#23- 328 Authorizing The Execution Of Agreement With New Jersey Sharing Network Relating To 5k Celebration Of Life On May 18, 2024
- Res#23- 329 A Resolution Of The Township Committee Of The Township Of Neptune To Amend Professional Services Agreement To With Plosia Cohen For Legal Services
- Res#23- 330 Resolution Of The Township Committee Of The Township Of Neptune To Terminate Employee In Department Of Finance
- Res#23- 331 Authorizing The Payment Of Bills

CONSENT AGENDA

Offered by: Lane Seconded by: York
Vote: Brantley Absent Lane Yes Williams Yes York Yes Cafferty Yes

SEPARATED RESOLUTION

- Res#23- 332 A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Emergency Medical Services

Offered by: York Seconded by: Lane
Vote: Brantley Absent Lane Yes Williams Yes York Yes Cafferty Yes

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Members of the public may address any concern relating to the Township.

The public comment portion of our meeting is to allow the public to bring to the Committee's attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a) and the Neptune Rules of Committee, the Committee asks the public to limit their comments to five minutes or less. The Committee will respect the public's time by refraining any comment until the speaker has finished with their allotted time. It should be further noted that public comment portion of our meeting is not structured as a question-and-answer session. If a member of the public has questions, they seek answers to, an appointment can be made with the appropriate office, Business Administrator or Township Committee Liaison during regular business hours. The Township Clerk will regulate the time during the comment portion of our meeting. The Committee reserves the right to respond to comments or questions at the conclusion of the speaker's time.

Paul Martin, Franklin Ave. Mr. Martin stated he has been before the Township Committee many times about protecting the rights of residents of Neptune Township, especially relating to Camp meeting. This includes issues with the beach badges, pier, tent, and cottage inspections. Mr. Martin stated previously there is nothing the Township can do, but it seems the Township has oversight to the Green Acres exemption. There are multiple police reports regarding access to the beach on Sunday. There was an officer on the beach who advised beach goers to abide by the regulations of the Camp Meeting Association. Mr. Martin stated there is a permit issued for the construction of the pier signed by Michael Badger and there were several parts in the permit, there were multiple statements to the public trust doctrine in the permit documents. There has been nothing done by the Township Committee, Township Attorney or Neptune Police regarding this matter. Mr. Martin stated that if the beach in Ocean Grove was taxed it would bring in about a million dollars a year. That money could be utilized on many aspects of Neptune Township. Mr. Martin stated the Committee has a responsibility to do something about it.

Mr. Anthony stated that there has been a discussion about beach access and Mr. Anthony has submitted opinion letters on this matter. Mr. Anthony stated that the beach is under the Green Acres exemption whereas the other exemptions are under religious entities exemption. The Township is in receipt of correspondence that states the Township has the ability to remove a tax exemption.

Mr. Anthony stated the exemption that exists was certified by the NJDEP years ago. The exemption states that if there is an open space for everyone, the property is exempt from tax exemption. This exemption must be reapplied for every three years. This exemption is investigated by the NJDEP, not by the municipality. There are other instances where the investigation was down by the Township Assessor's office. The NJDEP division for Green Acres investigates and determines status. Mr. Anthony cited Milford v. Garfield to challenge a Green Acres exemption. NJDEP re-certified the exemption, and it was appealed in court. The case stated that since the NJDEP creates the examination, they should have insight. The Tax Assessor is noted as having final say. NJDEP

Mr. Anthony stated that even though the legislation offers the powers to the Township Assessor to revoke the exemption, he does not have the basis to revoke the exemption. Mr. Haney indicated that the Township did not do the investigation and if the NJDEP recertifies the exemption, there would be no basis for the Township to remove the exemption. Mr. Anthony stated the Tax Assessor is an agent separate from the Township and cannot be told how to take action under the statute. The State has made an assessment that there is no violation to the Green Acres.

Mr. Anthony stated the focus of the Township should be on the letter from NJDEP Bureau of Coastal and Land Use Compliance and Enforcement on August 10 that was a warning letter for compliance violation. This is an enforcement of the Public Trust Doctrine. Mr. Anthony stated a complaint should be filed with this specific bureau of the NJDEP to ask that they enforce on this violation.

The Township Committee advised Mr. Anthony during the workshop meeting to approve the writing of the letter to NJDEP

Shane Martin, Mt. Hermon
Way

Mr. Martins read an e-mail exchange he had with a representative, Ms. Cook, of the New Jersey DEP. Mr. Martins sent an e-mail to NJDEP confirming that the Township, not the NJDEP has the authority to revoke Green Acres exemption status. Ms. Cook responded that the NJDEP recommends the tax exemption and the Tax Assessor may either approve or deny. Mr. Martins confirmed with Ms. Cook that Tax Assessor's can and have revoked exemption status. Mr. Martins also asked whether the Township requires a recommendation from the NJDEP to revoke the Green Acres exemption. Ms. Cook responded that the Township can revoke the exemption on their own terms and does not require a recommendation from any NJDEP division.

Mr. Anthony stated that Mr. Martin has never handled a tax appeal in Ocean Grove. Mr. Anthony stated that while the Tax Assessor may do it, it would be a mistake because there is not a basis for revoking the exemption.

Pamela Valentine, Mt. Zion

Ms. Valentine was a previous employee and was provided a copy of the Public Trust Doctrine. Ms. Valentine just wants to address the Public Trust Doctrine and public access to the main high water line. The Public Trust Doctrine must state a municipality must maintain visual and physical access, create ordinances that encourage access and uphold the access requirements of the state and federal government. Ms. Valentine stated she entered a private agreement with Camp Meeting to grant access to swimming on Sundays. The police are not addressing that the violations of the Public Trust Doctrine.

Mr. Anthony stated that the actions of Ms. Valentine prompted an opinion letter from Mr. Anthony. Mr. Anthony stated the Township does not enforce the rules and regulations of Camp Meeting Association. The Township can bring a lawsuit or bring the action to the State of New Jersey, which the Township Committee authorized. Ms. Harris asked about the community garden award for \$2,000.

Dianna Harris, Willow
Joe Chambers, Hillcrest Ave.

Mr. Chambers wanted to ask for information on how to create a haunted path near

