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## Council Room Borough of Neptune City

September 27, 2021

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The Regular Council Meeting of the Mayor and Council was held in Council Chambers at Borough Hall at 7:00.

Borough Clerk Brown took roll call.

**PRESENT:** Councilmembers Calhoun, Kocsis, Pappas, Pietrunti, Renee, Thomas, and Mayor Wardell

**ABSENT:**

Mayor Wardell announced that the Notice Requirements of Chapter 231 P.L. 1975 have been satisfied by the publication of said notice in the Asbury Park Press, and the Coaster and by filing a copy with the Municipal Clerk. Mayor Wardell also noted that the 48-hour notice was advertised and posted as required

**FLAG SALUTE**

**APPROVAL OF MINUTES**

**COMUNICATIONS**

**PRESENTATIONS**

**BOARD OF EDUCATION REPORT:**

**MAYORS REPORT:** Mayor Andrew Wardell

Mayor Wardell reported on the following:

**I.Covid-19**

A. Vaccination clinics are available through the county on Tuesdays from 2 to 6pm at Brookdale Community College.

1. Montessori Children's Learning Center (CLC) located between Lots 4 and 5.
2. If you reside, work, or attend school in Monmouth County and are at least 12 years of age you are eligible for the vaccine.
3. Adults over 65, and those that are immunocompromised, can receive your booster shots at the same location. Remember to bring your vaccine card.

B. Vaccine testing is still available as well. This Tuesday, 9/28/21 from 4 to 7 p.m. at the Asbury Park Transportation Center located at 1 Municipal Plaza, Asbury Park

II. Dunkin Grand Opening:

1. This past Saturday was the Grand Opening of Dunkin in Neptune City
  1. I appreciated the invitation to cut the ribbon.
  2. I also want to thank Dunkin for their \$2,500 donation to both the Neptune City Police and First Aid

III. First Responder's Month:

1. Thanks again to all the residents who participated in our first "First Responder's Month" fundraiser.
2. I would like to express my gratitude to Uniserv for their generous donation, and to all those who helped and honored our First Responder's by adorning the signs on your properties.

IV. Neptune City School:

1. I want to acknowledge the Woodrow Wilson 7th and 8th graded classes for all their hard work raising money for their Washington DC trip.
  1. My son told me that their car wash last week and the mum sale today were a huge success and getting them closer to their goal.
2. Neptune High School Student Council invited us, along with the First Aid and Fire Department to participate in the Homecoming parade.

**ADMINISTRATION & FINANCE- John Pietrunti**

C/Pietrunti had no reported

**PUBLIC WORKS- Pamela Renee**

C/Renee reported that the Borough Engineers met with DPW Director Devos at the Adams Field project to go over items that DPW could possibly do for cost savings. C/Renee also reported that the Emanuel Cancer Foundation held their annual bocce fundraiser on Memorial Park this past weekend and it was huge success.

**LAW & ORDINANCE – Brian Thomas**

C/Thomas reported he had no report but he mentioned that this Saturday he will be a part of a team walk for Autism Speaks and invites anyone who wants to participate any help is greatly appreciated,

**ADMINISTRATION & JUSTICE-Glen Kocsis**

C/Kocsis reported he had no report but reminded everyone to continue locking their doors.

**SPECIAL SERVICES-Danielle Pappas**

C/Pappas reported she had no report

**HUMAN SERVICES- Dave Calhoun**

C/Calhoun reported he had no report

**ADMINISTRATORS REPORT: Kevin Kane**

Administrator Kane reported:

1 **Adams Field Project (Monmouth County Open Space Grant)**

Ben Matlack (CME), Gerrit DeVos and I met on Friday to finalize the scope of work for the Adams Field project. The design work will be completed this week and the bid schedule will be as follows:

- o Advertise: Monday, 10/4
- o Opening: Tuesday, 10/19
- o Award: Monday, 10/25 (at our Council meeting)

2 **Veterans Committee/ Veteran (KIA) Street Signs Project**

I have been working on the Veteran KIA (Killed in Action) street sign project that Councilman Pietrunti presented to Mayor and Council at the June 28<sup>th</sup> meeting. In speaking with John Warhurst, Commander of American Legion Post 346 who spoke at our last council meeting, maybe we can create a Veterans Committee as part of our Veteran Friendly Municipality to facilitate this project, as well as other veteran initiatives? If agreeable with everyone, I will work with our attorney to have the framework ready for introduction at our

next meeting to establish the committee, which will enable them to work with the Neptune City Historical Committee to launch this veteran street sign project.

3 **Cannabis Informational Webinar**

The New Jersey Cannabis Regulatory Commission (CRC) is holding a statewide informational webinar tomorrow night from 7-9pm to review their recent progress. There are still many unanswered questions. I will send everyone the link and provide an update at the next meeting on October 12<sup>th</sup>.

**PUBLIC PARTICIPATION (FOR AGENDA ITEMS ONLY) - NONE**

**UNFINISHED BUSINESS- NONE**

**NEW BUSINESS**

**CONSENT AGENDA**

*All items listed are considered to be routine and non-controversial by the Mayor and Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member (s) so request it, in which case the item (s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies and*

*adoption of all resolutions received and file letters, correspondence, reports and approval of applications and minutes.*

C/Pappas offered the following resolutions and moved their adoption. Seconded by C/Thomas

**Resolution 21-136 Authorizing payment of bills**

**RESOLUTION 21-136  
AUTHORIZING PAYMENT OF THE BILLS**

**BE IT RESOLVED** that the bills as presented, all have been certified and approved as complete as to form, goods having been delivered, and/or services performed and sufficient funds being available for payment for said bills, be paid in the amount of **\$246,838.59**

Aye: Councilmembers Calhoun, Kocsis, Pappas, Pietrunti, Renee, Thomas

Absent:

Mayor Wardell declared the resolution adopted

**PUBLIC PARTICIPATION:**

Brian Farry 328 W. Sylvania Avenue stated he had some concerns after the July Council Meeting. He stated he did some research as well as submitted some OPRA requests for email from Councilman Calhoun and Mr. Farry asked Mayor Wardell if he remembers what the exact date was for the introduction and adoption of the Cannabis Ordinance? M/Wardell stated he does not know exactly at the moment. He stated it was the fourth Monday of each month in June and July.

Mr. Farry asked if he was aware that Councilman Calhoun had contact with OHM Theory in between the introduction and adoption of the Ordinance. a company that had an interest in cannabis retail. M/Wardell stated yes, he received an email from C/Calhoun a little less than a week before the July meeting. Mr. Farry asked how was C/Calhoun contacted? (email/phone) M/Wardell stated he believes it was email or phone call. He also asked if it was customary or if there was a policy in place for council to hold such meetings. M/Wardell stated that the governing body can speak to whoever they want. M/Wardell stated the Administrator is usually the first person to be reached out to but it is not unusual to reach out to the councilmembers.

Mr. Farry asked M/Wardell to outline the duties of Council President. M/Wardell explained that according to state statute the duties of Council President in our form of government is to preside over Council Meetings in the absence of the mayor.

Mr. Farry stated in one of the emails he had received via OPRA he has a concern of where this company is from and who the two principal owners are. One of them operates or owns a pub in West Orange. Mr. Farry asked if we have any Professional in the Borough that reside, works or is an elected official in West Orange? Mayor Wardell stated yes, we do. The Mayor of West Orange is our Insurance Broker. Mr. Farry asked if he advised C/Calhoun if this meeting was

unethical? M/Wardell stated that he was concerned about the optics of the timing of the meeting. Mr. Farry stated that the Borough Administrator and Borough Attorney were cc'd on the email and asked if there was a response from either of them when you stated that this could be perceived as unethical? M/Wardell stated he and A/Berlen had a conversation but it is attorney client privilege.

Mr. Farry asked if we had the voting record of the Governing body from the Ordinance adoption? It was explained that C/Calhoun voted in the affirmative however there was one abstention. He also stated he knows there was a lot of emotions at the meeting that this was adopted. He also stated that this will generate revenue for the borough and understands a lot of work went into the ordinance. He stated maybe this the meeting shouldn't have taken place, what he expects from his elected officials if wasn't the right time to do it, pass along to the Administration or Legal office. The optics of this are very poor. He doesn't want to see anything bad happen to the town if another town comes in and says there was favoritism. Mr. Farry stated to C/Renee and C/Pietrunti that he really appreciates their comments that evening of the Ordinance adoption, he stated they held true to their Oath of office by calling out a member of council not by name that these things should not happen in our Borough. And they shouldn't. C/Calhoun stated he actually had the emails printed with the timeline of events. 6/18/21 was the first time he emailed the mayor and administrator regarding this meeting advising of the meeting on 6/22/21. This was the first time the mayor knew about the meeting however the administrator was informed by him by phone.

6/21/21 email received from the retailer confirming the meeting for 6/22. Meeting occurred on 6/22. On 6/23 the email that Mr. Farry referred to was what C/Calhoun felt to be an unbiased summary of his meeting. C/Calhoun was under the impression he was providing the mayor with information he needed to evaluate a potential retailer in town. On 6/28 C/Thomas expressed concern although he was not on the email chain although he had knowledge. C/Calhoun is not sure what Mr. Farry is driving at. Councilmembers are at large and can meet with whoever they want. C/Calhoun stated when he had a meeting with the administrator prior to taking the meeting, A/Kane said to bring them in for a meeting. He stated other people have come in and councilmembers have had meetings.

Mayor Wardell stated he met with a company in February 2021 to see if cannabis would benefit the borough and he asked C/Thomas to join him.

Discussion continued between Mayor Wardell and Councilman Calhoun. M/Wardell stated he felt it was poor judgement to take the meeting and it opens up possible issues in the future with potential retailers. M/Wardell said he felt it was a bad idea and a mistake, C/Calhoun stated he did not make mistake.

C/Renee commented, a lot of the council attend different events and several companies reached out the them. She stated she is not in favor of it personally but majority of the residents want it. C/Renee asked if Mr. Farry OPRA requested emails from all of the council? Mr. Farry stated he requested from the Mayor and Council President. C/Renee suggested he OPRA all of the governing body.

M/Wardell stated he would recommend to all members of council that it is not a good idea to meeting with anyone that may benefit between ordinance readings.

C/Renee asked if there was anything illegal done. A/Berlen stated she looked at the ethics law and sees nothing illegal. An additional ordinance will be created regarding local licensing.

C/Renee asked if A/Berlen would suggest not meeting with potential licensees in between ordinance readings? A/Berlen stated she would suggest not discussing with any potential vendors, until the ordinance is finished and local license board is established.

C/Thomas commented that as a general rule we shouldn't be talking to anyone in between readings, C/Thomas stated he was part of the meeting with the mayor because of his experience. C/Thomas stated that he had knowledge of these emails because he sits on the law and ordinance committee. C/Thomas expressed his discord over the situation.

C/Farry stated we live in a society that it is our duty as a resident to question our elected leaders especially when it doesn't appear to up to snuff.

Discussion continued.

C/Pietrunti stated he saw C/Thomas's reaction that evening and stated transparency is important. He stated that is what happened this evening, we also spoke of independent committee. We may have different ideas but the important thing is we are working together as a council. We have all learned from that night and next time we will do it better.

C/Kocsis stated to stay with transparency, he also met with someone with the administrator regarding cannabis but it was before the introduction of the ordinance.

C/Thomas apologized to everyone including C/Calhoun for his reaction.

Ted Wardell 9 Tucker Drive, do we have an approximate date for the cannabis ordinance? It has been extended indefinitely from the state.

Discussion continued between the councilmembers about the cannabis legislation.

Lisa Cottrell 29 Windsor asked if the kayak rack was rented monthly? Mayor explained that it is yearly and how we awarded them to residents. Ms. Cottrell stated her opinion on the spaces. Mayor Wardell explained that once they are awarded, they are the residents until they give it up. Ms. Cottrell asked about the MVC and Clerk Brown explained they had a problem and hopefully it will be rescheduled but the October 16 event is still on.

Motion to adjourn at 7:53 offered by C/Pietrunti. Seconded by C/Kocsis.

Voice Vote: Councilmembers Calhoun, Pappas, Renee, Thomas

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Tamara Brown, Municipal Clerk