
Council Room Borough of Neptune City

May 14, 2018

The Regular Council Meeting of the Mayor and Council was called to order by Mayor Brown at 7:00 p.m.

Borough Clerk Brown took roll call.

PRESENT: Councilmembers Pryor, Renee, Tallman, Kocsis, and Mayor Brown.

ABSENT: Councilmembers Zajack and Wardell.

Mayor Brown 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 Brown asked everyone to join in on the Flag Salute.

Executive Session

C/Pryor offered a resolution to move into Executive Session regarding Legal matter and moved its adoption. Seconded by C/Renee.

On Roll Call the following vote was recorded:

Aye: Councilmembers Pryor, Renee, Tallman and Kocsis.

Absent: Councilmembers Zajack and Wardell.

Council entered Executive Session at 7:02 p.m.

Council returned from Executive Session at 7:26 p.m.

Roll Call

PRESENT: Councilmembers Pryor, Renee, Tallman, Kocsis, and Mayor Brown.

ABSENT: Councilmembers Zajack, and Wardell.

COMMUNICATIONS – there were no communications before Council.

PRESENTATIONS – there were no presentations before Council.

IN MAYORS AND COUNCIL REPORTS

MAYOR’S REPORT

Mayor Brown recognized the Shark River Cleanup Coalition. Mayor Brown gave an overview of the smell issue at TFH Nylabone and the attempts made by TFH to rectify the situation. Mayor Brown recognized the corrections are not working as anticipated. Mayor Brown noted the issue falls under the County Board Health’s jurisdiction. Mayor Brown explained the Borough has tried everything to work with TFH and the Board of Health as the enforcement authority. Mayor Brown further explained tonight Council would consider a resolution to request the Board of Chosen Freeholders have the Monmouth County Board of Health place an officer to work out of the Neptune City substation or Municipal Building in order to have someone close on site to create a record of violations. Mayor Brown noted the Borough will make TFH comply, acknowledging the smell is a nuisance and the next steps are to assist the Health Department with their enforcement. Mayor Brown noted the Neptune City Police Department will be participating in the torch run on June 8 during the morning hours on West Sylvania Avenue. Children interested in participating can pick up packets at Woodrow Wilson School. Mayor Brown shared the Paint The Town Pink Paint Party is on Friday, May 18.

LAW & ORDINANCE – Councilmember Renee

C/Renee thanked the Paint the Town Pink Committee for everything they are doing. C/Renee announced a Law and Ordinance meeting on May 29 at 6:00 p.m. C/Renee shared there is a New Jersey State Law Enforcement Memorial

will be held on May 22 from 11:00 a.m. – 2:00 p.m. at the Great Auditorium in Ocean Grove. C/Renee shared there will be a poppy sale at the Stop & Shop on May 22 at 10:00 a.m., all proceeds will go to veterans.

ADMINISTRATION & FINANCE – Councilmember Tallman

C/Tallman reported the budget process is ongoing, noting Council have not submitted any questions to date regarding the budget. C/Tallman thanked the Paint the Town Pink Committee. C/Tallman congratulated the students at Woodrow Wilson School who participated in the read-a-thon with the Neptune City Family Foundation. C/Tallman thanked all the volunteers that assisted with the dance.

PUBLIC WORKS – Councilmember Pryor

C/Pryor met with the Public Works Director. Please make sure any brush is no longer than 6 feet and if any concrete is no larger than 50 pounds. Leaves will be picked up until May 30. C/Pryor thanked the Tallman Family and Neptune City Family Foundation for hosting the dance.

ADMINISTRATION & JUSTICE – Councilmember Zajack was absent.

SPECIAL SERVICES – Councilmember Kocsis

C/Kocsis shared information from JCP&L regarding scam awareness. The Littoral Society will begin horseshoe crab tagging tomorrow. C/Kocsis called for a special services meeting on Thursday at 6:00 p.m.

HUMAN SERVICES – Councilmember Wardell was absent.

PUBLIC PARTICIPATION (FOR AGENDA ITEMS ONLY) – there were no comments from the public on Agenda items.

OLD BUSINESS - there was no Old Business before Council.

NEW BUSINESS

Resolution 18-58- Payment of Bills

Resolution 18-59- Authorization for Coin Toss for NCFD

Resolution 18-60 – Temporary Emergency Appropriations

C/Tallman offered the following resolution and moved its adoption. Seconded by C/Pryor.

RESOLUTION 2018-58

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 \$479,612.18

On Roll Call the following vote was recorded:

Aye: Councilmembers Pryor, Tallman and Kocsis.

Absent: Councilmembers Zajack and Wardell.

Abstain: Councilmember Renee.

During roll call C/Tallman noted paying the bills is a routine process and if C/Renee has any questions or concerns she should e-mail and her concerns will be addressed. C/Tallman requested C/Renee be more diligent in returning e-mails. C/Renee explained she had requested the bill list be returned to the old format. Discussion continued, with Mayor Brown noting no information is being hidden. Mayor Brown requested the Finance Committee met in person and come to an agreement. Mayor Brown reiterated everything is transparent and the Administrator, Department Head, CFO and Auditors review and approve all items; but if Council wants to micromanage everything in reviewing every purchase made to which line item then that is their right; but Department Heads are responsible for managing their line items and the Administrator is responsible for final approval.

Mayor Brown declared the resolution adopted.

Borough Clerk Brown read the resolution into the record.

C/Kocsis the following resolution and moved its adoption. Seconded by C/Renee.

**RESOLUTION 2018-59
PERMISSION TO CONDUCT A COIN TO TOSS**

WHEREAS, the Neptune City Fire Department has requested permission to conduct a coin toss at the intersection of Brighton Avenue and West Sylvania Avenue on the following 2018 dates:

- May 24, 25 & 26
- June 28, 29 & 30
- August 30, 31
- September 1

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council approve this request pursuant to the conditions from the State of New Jersey Department of Transportation and the approval from the County of Monmouth.

On Roll Call the following vote was recorded:
 Aye: Councilmembers Pryor, Renee, Tallman and Kocsis.
 Absent: Councilmembers Zajack and Wardell.
 Mayor Brown declared the resolution adopted.

Borough Clerk Brown read the resolution into the record.
 C/Tallman offered the following resolution and moved its adoption. Seconded by C/Renee.

**RESOLUTION 2018-60
RESOLUTION OF MAYOR AND COUNCIL OF BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH, STATE OF NEW JERSEY RESOLUTION TO ADOPT 2018 TEMPORARY EMERGENCY APPROPRIATIONS #3**

WHEREAS, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

WHEREAS, the total emergency temporary resolutions adopted in the year 2018 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$733,225 for the Current Fund and \$55,000 for the Sewer Utility Operating Fund.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Neptune City, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations per the attached sheets in the 2018 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the Director of the Division of Local Government Services and one certified copy with the Chief Financial Officer.

Budget Account	Amount
Administrator's Office - Other Expenses	\$ 1,000
Financial Administration - Other Expenses	1,000
Collection of Taxes - Other Expenses	1,000
Land Use - Other Expenses	5,000
Liability Insurance	38,000
Worker's Compensation Insurance	55,375
Police - Other Expenses	40,000

Emergency Management - Other Expenses	1,000
Vehicle Maintenance - Other Expenses	10,000
Garbage and Trash - Other Expenses	40,000
Electricity	5,000
Street Lights	5,000
Telephone	8,000
Natural Gas	5,000
	<u>\$ 215,375</u>

On Roll Call the following vote was recorded:

Aye: Councilmembers Pryor, Renee, Tallman and Kocsis.

Absent: Councilmembers Zajack and Wardell.

Mayor Brown declared the resolution adopted.

Borough Clerk Brown gave an overview of the resolution.

C/Tallman the following resolution and moved its adoption. Seconded by C/Kocsis.

Mayor Brown gave an overview of the resolution, which is to have Attorney Aikins draft a letter to the Board of Chosen Freeholders for assistance with TFH in order to build a record of violation. Mayor Brown promised to keep the public informed with the status of the request.

RESOLUTION 2018-61

Authorization for Attorney Aikins to send a letter to the Board of Chosen Freeholders

Whereas, the residents of Neptune City have concerns regarding the odor emitting from TFH/Nylabone facility, and

Whereas, the Mayor and Council has requested that Attorney Aikins send a letter to the Board of Chosen Freeholders, and

Whereas, the letter is requesting that a member of the Board of Health be assigned to the substation to be able to respond in a timely manner, and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council request a letter be written by Attorney Mark Aikins to the Board of Chosen Freeholders.

On Roll Call the following vote was recorded:

Aye: Councilmembers Pryor, Renee, Tallman and Kocsis.

Absent: Councilmembers Zajack and Wardell.

Mayor Brown declared the resolution adopted.

PUBLIC PARTICIPATION

Eileen Douglas, Coast Guard Avon shared the Coast Guard is offering one day safe boating course at the station on Washington Street in Avon, this Saturday. Fliers were left for anyone interested.

Ms. Tamara Tallman offered an update on Paint the Town Pink. The Bocce Tournament raised \$2,900.00 for Breast Cancer research. The Paint the Town Pink Paint Party is this Friday. Tickets are \$75.00, a few are still available. 20 business in town are participating in the Paint the Town Pink window contest; winners will receive two weeks of free advertising on the billboard on Route 35 near Kelly's. Ms. Tallman thanked the Committee for their great work.

Attorney John Brennan of the Shark River Cleanup Coalition shared pictures/visuals. Attorney Brennan gave an overview of what the Coalition does and their goals for the future. Attorney Brennan spoke about the "hot pipes" dumping contaminants into Shark River and the readings from the same which are at alarming rates. Attorney

Brennan explained the pipes are the Borough's responsibility as per maps created by the Borough's engineer. Attorney Brennan emphasized the Borough needs to do something to mitigate the risks.

Mayor Brown requested if anyone wants to make a presentation to Council, to please notify the Municipal Offices so a discussion could be held and a presentation be made.

Mayor Brown noted there is a County pipe and State pipe and he has been working diligently for the waters in Shark River. Mayor Brown thanked Attorney Brennan for attending.

Ms. Colleen Christi, Lincoln Avenue asked for a timeframe regarding the resolution for TFH. Mayor Brown explained the letter would be sent tomorrow morning and is hoping for a verbal commitment by the end of the week. Mayor Brown will be calling to follow up on Attorney Aikins letter. Mayor Brown hoped someone would be in Neptune City by next week at the latest; then encouraged residents to call so the health department can build a record in order to be able to enforce the issue. Ms. Christi asked if Attorney Aikins could look into other options. Discussion followed.

Mr. Rich Oppegaard, Myron Avenue noted there is an ordinance on the books stating odors cannot permeate beyond the boarders of a property. Mr. Oppegaard suggested the ordinance be removed from the books since the Board of Health has jurisdiction. Mayor Brown explained the County Board of Health supersedes the ordinance and there are a lot of ordinances on the books that are superseded.

Ms. Liz Morris, 45 Green Avenue, spoke about the TFH parking lot near her home and how the owner of TFH had stated he wants to "be a good neighbor" but had been anything but. Ms. Morris, explained TFH's actions have made her not want to be a resident any longer. Ms. Morris suggested the Borough contact other towns to see how they've dealt with similar issues. Mayor Brown apologized for the concerns, explaining the Council does not have say over property – it is land use. Mayor Brown requested Ms. Morris speak to Director Kirshenbaum after the meeting. Discussion followed on what was agreed upon at the Land Use meeting. Mayor Brown promised to work with Ms. Morris to ensure TFH is doing what they said they would.

Eileen Douglas, Avon shared her family has lived in Neptune City for years and is worried if the smell is a danger to residents. Mayor Brown reiterated there are no carcinogenic Ms. Douglas asked what the Board of Health is needed for and what scrubber system is being used. Mayor Brown explained part of the problem is TFH is operating under all regulations. Ms. Douglas commented that Neptune City and surrounding towns are becoming too urbanized.

Ms. Oppegaard, Myron Avenue asked about the stacks; Mayor Brown confirmed no stack was moved. Ms. Oppegaard asked when the Board of Health finally issues violations what is the punishment or fine; Mayor Brown stated more information would be available regarding that in two weeks once more information is obtained from the Board of Health. Discussion continued regarding the amount of fines compared to TFH's revenue. Ms. Oppegaard requested Council consider taking TFH off the "Welcome to Neptune City" sign, even if donations are needed to put up new signs. Mayor Brown answered that their name is on the sign because they sponsored it.

Ms. Paatty Mc Cartney, 42 Myron Avenue asked about the local ordinance and why it is still on the books. Attorney Aikins explained the ordinance is superseded by the County's code and regulations. Attorney Aikins explained the County has jurisdiction over the odor issue because they are a higher Governmental authority. Discussion followed on what the County will do. Mayor Brown reiterated the steps Neptune City has to follow, acknowledging at this time the Borough does not know what the County will require.

Mayor Brown reiterated residents should call the Monmouth County Board of Health if they smell the odor at their home or place of business.

Mr. Richard Connors, asked what is manufactured at TFH; Mayor Brown noted it is healthy edibles, which Mr. Connors noted was against the Borough ordinance. Mr. Connors asked what about common law doctrine regarding

nuisances; Attorney Aikins expressed the opinion the Borough should follow statutory authority. Mayor Brown explained once the Borough finds out how the County will proceed he will share the information with the residents.

Arlene Schiarappa 14 Tucker Dr. asked for history about the building, questioning if they needed a variance for the building. Mayor Brown noted TFH received all the approvals necessary to build. Mayor Brown further explained the processing plant has been making bones there for fifteen or more years. Discussion continued on the history of the issue and building and approvals and variances that were needed for the building.

Mayor Brown explained information will shared once received.

Ms. Schiarappa also commented on the sign regarding no swimming at Shark River; suggesting Council put up a sign that spells out why people should not be swimming in the water.

Ms. Kathleen McGorry, 73 Wilson Avenue shared concerns about TFH's parking lot. Ms. McGorry explained that it is very dangerous. Mayor Brown noted Director Kirshenbaum is aware of the issue. Ms. McGorry suggested there be no left turn on Green. Director Kirshenbaum explained how the issue will be addressed. Discussion continued on the original approvals and how to address the situation. Further discussion continued on traffic and the parking lot.

Discussion continued on the odor, the parking lot, traffic issues and testimony given during the hearing for the TFH's renovation/addition.

Mary Ellen Deckut 5 Oak Terr. thanked Ms. Tallman for all she's doing for Cancer Research; then asked where the donations go to. Ms. Tallman explained the donations go to Hackensack Meridian Health.

Mr. Bruce Wescott 41 Third Ave. asked for an status update on the repaving project on Third Avenue. Mayor Brown will have an update on all Capital Improvements, explaining work must be done by the gas and water company before the repaving can being.

Mr. Dave Calhoun, 160 Fifth Ave, asked if Neptune City was approached by any official from surrounding towns regarding the smell from TFH. Mayor Brown explained he has heard from residents and that Avon addressed TFH directly; but no officials have contacted him or the Borough of Neptune City. Mr. Calhoun asked about the outflow pipes. Mayor Brown explained research and testing has been done and who the drains belong to and what has been done to date. Discussion continued on where the contamination is coming from and who is responsible.

ADJOURN 9:00 p.m.

Motion to adjourn by C/Tallman. Seconded by C/Kocsis.

Voice Vote - Aye: Councilmembers Pryor, Renee, Tallman and Kocsis.

Absent: Councilmembers Zajack and Wardell.

Mayor Robert Brown

Tamara Brown, Municipal Clerk