

\*\*\*\*\*  
\*\*\*\*\*

**Council Room Borough of Neptune City  
May 13, 2019**

\*\*\*\*\*

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

Deputy Borough Clerk Russell took roll call.

PRESENT: Councilmembers Zajack, Renee, Wardell, Kocsis, Lewis, Calhoun and Mayor Brown.

ABSENT:

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 Deputy Municipal Clerk.

Mayor Brown invited all to stand for the Flag Salute.

**COMMUNICATIONS-**

Mayor Brown asked for a motion to approve minutes of 4/8/2019.

Motion by C/Renee to receive and file; seconded by C/Kocsis.

Voice Vote - AYES: Councilmembers Zajack, Renee, Wardell, Kocsis, Lewis and Calhoun.

April 2019 Monthly Report from the Neptune City Police Department.

Motion by C/Renee to receive and file; seconded by C/Wardell.

Voice Vote - AYES: Councilmembers Zajack, Renee, Wardell, Kocsis, Lewis and Calhoun.

**PRESENTATIONS-**

United Fire Company #1 Ed Simms,

Wanted to clarify to the public, the members in question of being thrown out, are still members. Any questions of the Bylaws are being rectified.

Mayor Brown thanked Mr. Simms for coming tonight to update everyone on this.

**PUBLIC PARTICIPATION ON AGENDA ITEMS-**

Mayor Brown stated that if the budget gets introduced tonight, it will be available on the website early tomorrow morning and the public hearing would be, pending we get it back from the State, June 10<sup>th</sup>.

Kelly Strazdas, 3 Overbrook Pl, asked to have the budget process explained. Mayor Brown explained the steps.

Mayor Brown asked that anyone stating their name and address, to be please be clear for the record.

Mayor Brown asked Mr. Susino, the Board of Education President, for any updates. Mr. Susino stated that jobs have been posted. The school is losing both the Chief School Administrator and the Business Administrator. The next Board of Education meeting is scheduled for Tuesday May 28<sup>th</sup> at 6:00 p.m.

**Old Business**

**None.**

**NEW BUSINESS**

**Resolution 2019-95 Payment of Bills**

**Resolution 2019-95  
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 \$663,711.67

C/Lewis offered the resolution and moved its adoption. Seconded by C/Calhoun  
There was no discussion and the resolution was approved unanimously by roll call.

**Resolution 2019-96 Ordinance 2019-02 Introduction to establish a CAP BANK**

**BOROUGH OF NEPTUNE CITY  
ORDINANCE 2019-02  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of the Borough of Neptune City in the County of Monmouth finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$62,061.60 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Neptune City, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Neptune City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0%, amounting to \$62,061.60, and that the CY 2019 municipal budget for the Borough of Neptune City be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion for adoption was made by C/Lewis, seconded by C/Zajack. There was no discussion and the resolution was approved unanimously by roll call.

**Resolution 2019-97** Resolution Authorizing to enter into an agreement into the Educational Services Commission of NJ Cooperative Pricing Council

**RESOLUTION AUTHORIZING THE BOROUGH OF NEPTUNE CITY TO ENTER AN AGREEMENT WITH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PRICING COUNCIL (ESCNJ) FOR THE PURCHASE OF PROVISIONS AND PERFORMANCE OF GOODS AND SERVICES**

**WHEREAS**, N.J.S.A. 40A:11 – 11(5) et seq authorizes contracting units to enter into cooperative pricing agreements; and

**WHEREAS**, The Educational Services Commission of New Jersey has established a voluntary cooperative pricing system for the purchase of work, materials and supplies; and

**WHEREAS**, N.J.A.C. 5:34-7.1 et seq regulates the manner in which cooperative purchasing and more specifically, cooperative pricing systems are operated and conducted; and

**WHEREAS**, The Borough of Neptune City desires to become a member of The Educational Services Commission of New Jersey, effective May 13, 2019; and

**NOW THEREFORE BE IT RESOLVED**, that the Borough Council authorizes the Borough of Neptune City to participate in The Educational Services Commission of New Jersey and hereby authorizes the Mayor and Borough Administrator/Deputy Clerk, seal and execute a Cooperative Pricing Agreement with the Educational Services Commission of New Jersey upon its approval by the Division of Local Government Services;

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Mayor and Borough Council authorizes the Purchasing Agent to determine the work, materials, or supplies that the Borough of Neptune City will purchase through The Educational Services Commission of New Jersey; and

Motion for adoption was made by C/Renee, seconded by C/Lewis. There was no discussion and the resolution was approved unanimously by roll call.

**Resolution 2019-98** Refund of a Tax Overpayment

**RESOLUTION NUMBER 2019-98  
RESOLUTION TO REFUND TAX OVERPAYMENT**

**WHEREAS**, it has been determined by the Tax Collector that the taxpayers indicated below are entitled to tax overpayment refunds, and;

**WHEREAS**, it is the desire of the Governing Body to have these overpayments returned to the respective taxpayers;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Neptune City, County of Monmouth, State of New Jersey, that:

1. The Tax Collector is hereby authorized to make overpayment refunds in the amount shown to the tax payers listed below.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Tax Collector and Finance Officer.

- Block 26 Lot 51 in the Amount of \$1,822.70 to Irene Boles
- Block 57 Lot 20 in the amount of \$1,186.70 to State Financial Network

Motion for adoption was made by C/Lewis, seconded by C/Wardell. There was no discussion and the resolution was approved unanimously by roll call.

**Resolution 2019-99 Certification of Compliance Equal Employment Opportunity**

**RESOLUTION 2019-99**

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
 UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S  
 “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment  
 Decisions Under Title VII of the Civil Rights Act of 1964”**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, That the *Mayor and Council* of the *Borough of Neptune City*), hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON *May 13, 2019*

Motion for adoption was made by C/Renee, seconded by C/Kocsis. There was no discussion and the resolution was approved unanimously by roll call.

**Resolution 2019-100** Introduction of the 2019 Municipal Budget

**Resolution 2019-100**  
**BOROUGH OF NEPTUNE CITY COUNTY OF MONMOUTH, STATE OF NEW JERSEY**  
**APPROVING INTRODUCTION OF MUNICIPAL BUDGET FOR THE YEAR 2019**

**BE IT RESOLVED** that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2019; and

**BE IT FURTHER RESOLVED** that said budget be published in The Coaster in the issue of May 16, 2019. The governing body of the Borough of Neptune City does hereby approve the following as the budget for the year 2019.

C/Zajak was unable to attend the Budget Workshop and sees that there is a Participatory Budget Capital Project for \$120,000

C/Renee gave an explanation that it is to promote civic engagement in town.

Motion by C/Lewis; seconded by C/Calhoun.

Voice Vote -           AYES:           Councilmembers Renee, Kocsis, Lewis and Calhoun.

                          NAYS:           Councilmembers Zajack, Wardell

Resolution is adopted. It will be posted on the website tomorrow, and the Public Hearing will be on June 10<sup>th</sup> unless otherwise notified.

**PUBLIC PARTICIPATION –**

Kelly Strazdas, 3 Overbrook Place, asked if there were any updates on TFH. Mayor Brown stated there were no updates.

Colleen Christie, 79 Lincoln Avenue, stated at the last meeting we were told there was an email sent. Mayor Brown stated there was no response.

Robert Fusco, 55 Laird Ave, spoke about TFH and the air quality and that it has been an issue for a long time. Mayor Brown stated that they have been going back and forth with TFH the past several months. The Borough Attorney gave the public options. There was continued discussion on this.

Marie Brown, 46 Ridge Pl, on the DEP website, they have multiple violations and only inspected once in the last 5 years. Explained different permits they did not have and explained that they have many permits that have been expired since 9/13/16. Mayor Brown stated that DEP would be regulating this. Ms. Brown listed more permits.

Kelly Strazdas, 3 Overbrook Pl, does the Fire inspector not need to go in every year to inspect the Right to Know. Mayor Brown does not want to speak for the Fire Marshall. Harry Turetzkin, Fire Marshall, stated that TFH is inspected every year and that the chemicals are regulated by the State. There was continued discussion.

Joel Popkin, Inskip Avenue in Ocean Grove, very glad that there was a statement made at the beginning of the meeting about the comments made on social media. Mr. Popkin also explained that many people do not know there is a difference between the Fire Company and the Fire Department (Company is "social" department is town run). There was continued discussion about this topic.

Mayor Brown spoke about the fire department issue and explained that Jim Sesito and himself were supposedly thrown out of the Fire Company at the last meeting. Mayor Brown explained that he is still a firefighter in Neptune City, has been for years and will be for years to come.

C/Renee stated that the Council had nothing to do on this, they found out after the fact.

Marie Brown, 46 Ridge Pl, TFH is being taxed on 69,000 sq. ft. when building plans show 122,000. Mayor Brown stated that he believes they just went through and added assessment.

Arlene Sciarappa, 14 Tucker Dr, also with the Shark River Clean Up, wanted to mention that they held a clean-up at Memorial Park on Saturday and it was very well attended. Wanted to thank Neptune City for lending the site once again. Many volunteers from Neptune City, Neptune Township, Wall Township, Eagle Scouts, Council Members. Explained where they get help and supplies from as well as where they clean.

**ADJOURN 7:41 p.m.**

Motion to adjourn by C/Wardell. Seconded by C/Zajack.

Approved unanimously by roll call.