

**Council Room Borough of Neptune City
January 14, 2019**

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

Mayor Brown 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 Municipal Clerk.

Mayor Brown invited all to stand for the Flag Salute.

COMMUNICATIONS-

Letter of Resignation

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

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

PRESENTATIONS-

Public Participation on Agenda items

Old Business

Resolution 19-21 Resolution authorizing pre-payment of certain items previously tabled.

The resolution was read into the record by title

Motion by C/Wardell; seconded by C/Zajack.

Voice Vote - AYES: Councilmembers Zajack, Wardell.

NAYS: Councilmembers Renee, Kocsis, Lewis and Calhoun.

There was some discussion on this resolution.

NEW BUSINESS

Resolution 19-22 Appointment of Interim Administrator

The resolution was read into the record by title.

Motion by C/Zajack; seconded by C/Wardell

Voice Vote - AYES: Councilmembers Zajack, Wardell.

NAYS: Councilmembers Renee, Kocsis, Lewis and Calhoun.

The Mayor went on record stating that we are violating a Borough Ordinance, the Borough cannot move forward as it is right now.

Resolution 19-23 Award of Contract for Professional Services for Legal Services

The resolution was read into the record by title.

Motion by C/Wardell, seconded by C/Zajack.

The Mayor went on record stating in December the town went out for RFQ's for all professionals, with a criteria set forth, there were 3 attorney's offices that applied, 2 of them were deficient in the criteria that was set forth in the resolution that was advertised and approved by this Governing Body. That is why I put Arbus, Maybruch, & Goode, LLC.

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

C/Renee made a Motion to amend the Agenda to add 3 Resolutions; Resolution 19-24 Accepting the Resignation of Borough Clerk affective January 7th; Resolution 19-25 Scheduling Special Meeting for January 31, 2019 at 7:00 pm; and Resolution 19-26 Advertising for new Borough Clerk and Administrator.

Resolution 19-24- Accepting Borough Clerks Resignation effective January 7, 2019

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

The Mayor went on record stating it is not necessary to accept the resignation

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

Motion was adopted.

Resolution 19-25 Scheduling Special Meeting for January 31, 2019 at 7:00 pm to appoint Professional Services and Volunteers

Motion by C/Renee, seconded by C/Calhoun.

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

Motion was adopted.

Resolution 19-26 Advertising for new Borough Clerk and Borough Administrator

Motion by C/Renee, seconded by C/Kocsis.

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

Motion was adopted.

PUBLIC PARTICIPATION –

John Vanderhoff, 290 W Sylvania Ave, asked what the Borough Clerk pay was and what they will be advertising for. How can you have a council meeting without a lawyer?

The Mayor responded that he was not sure about what pay would be offered. As for the lawyer, as long as he is taking minutes and roll call they can have the meeting.

Arlene Scirappa spoke stating both sides need to talk and work together.

The Mayor stated that once the elections are over, the political parties should be put aside and work for what is best for the town.

Ms. Scirappa asked about payroll and if employees were going to be paid and she would also like to hear from Ms. Renee as Council President.

The Mayor wanted to cover what Council President is as per State Statue 40A 60-1, which was read and explained. The Mayor did state that yes, the employees will be paid.

Kelly Strazdas, 3 Overbrook Place, inquired about a tabled resolution, and what, if any, statues supported not paying payroll and bills included in the tabled resolution. Ms. Strazdas also inquired about quorum requirements. The Mayor explained that it was a concern of the Clerk but did not have a Borough Attorney to verify with on the issue. The Mayor also explained the Open Public Meetings Act.

Kathy McGorry, 73 Wilson Ave, responded to Ms. Strazdas, that if a quorum met and talked without the public knowing, they would not know what is happening. Ms. Strazdas stated that they go into "Closed Session" and the town doesn't know what is said. Ms. McGorry explained there is a difference.

Jen Coombs, Citizen Media, asked C/Calhoun, Lewis, Renee, Kocsis, why they did not show up to the Special Meeting that was scheduled for January 7, 2019. C/Lewis responded that they did not think the meeting was necessary at all. There was continued discussion on this matter.

John Gunderson, 123 Woodland Ave, stated that everyone should work together.

The Mayor stated that there was an email that he thought that C/Renee was in agreeance with Mr. Underhill coming back, and yet it was voted no. C/Renee stated that the reason they voted no was because of the contract itself. There was continued discussion back and forth on the matter.

Joel Popkin spoke and stated that he is the Executive Director to the State Municipal Clerks. He has seen how the State has come in and taken over other towns and does not want to see Neptune City have that happen. Mr. Popkin also explained that with the Municipal Clerk position, there are only two ways to hire someone, one being someone with their RMC (Registered Municipal Clerk license) which is a three year appointment or a one year Acting Clerk, it can only be renewed with approval from the State. Mr. Popkin also offered to help, if needed, in the interview process.

The Mayor spoke about how Mr. Underhill could have been appointed at this meeting, there were no questions from anyone regarding the contract. If there was an issue, it could have been brought up when it was offered. Mr. Underhill was on a scheduled vacation for the New Year's Day meeting and did not return until a few days after, he had already been fired then which is why he did not come in to work. Mr. Underhill could have filled the positions of Administrator, Deputy Clerk and Treasurer. Mr. Underhill was RICE Noticed, so he could have been talked about in the open meeting.

Henry Underhill offered to work during his contractual 90 day paid severance, if the majority would vote to approve of it.

The Mayor verified that the 90 days would go back to January 1st and not start after March 31st. Mr. Underhill said yes, it would just be going back to January 1st. The Mayor stated that if Mr. Underhill is let go before the end of the 90 days, he will still get paid for those 90 days since it is in the contract. The Mayor stated that it would need to be offered and seconded then voted on to be able to have Mr. Underhill back in the office in the morning.

Motion by C/Wardell, seconded by C/Zajcak.

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

The Mayor voted in favor to break the tie.

The Mayor thanked Mr. Underhill and stated again that Mr. Underhill will return to work and if he is let go prior to his 90 days he will be paid the remainder under his contract.

The resolution was approved.

Ted Wardell, 9 Tucker Dr., is extremely disappointed with the lack of communication between the

Council and Mayor.

Kevin Fisher, 16 Home St., respectfully asked the Council that voted no for the attorney, why they voted that way. C/Lewis responded that it was simply because the other two RFQ's were just missing their salary. Mr. Fisher asked again, but was corrected; it was in regards to Business Administrator, not Attorney.

Ken Derate, with Joe and Paul Ziden and Al Degash, they are the owners of the Neptune City Plaza, the shopping center next to the Stop and Shop, they are hoping to speak about the property and explain what they are planning to go there.

The Mayor suggested calling the office in the morning and speaking to Mr. Underhill to set up for a presentation.

Brad Hines, 96 Hawthorne Ave; 185 W Sylvania Ave; 51 East End Ave, asked as a Borough employee, since the payroll is being paid, are the health benefits being paid. The Mayor stated yes.

ADJOURN 8:07 p.m.

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

Approved unanimously by roll call.