

**Council Room Borough of Neptune City
April 23, 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, Zajack, Wardell, Tallman, Kocsis and Mayor Brown.
ABSENT: Councilmember Renee.

Mayor Brown asked everyone to join in on the Flag Salute, and remain standing for a moment of silence for Mr. Frank DiGironimo.

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.

APPROVAL OF MINUTES

March 26, 2018

Mayor Brown confirmed all Councilmembers had been in attendance.

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

Voice Vote - AYES: Councilmembers Pryor, Zajack, Wardell, Tallman, and Kocsis.
ABSENT: Councilmember Renee.

April 9, 2018

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

Voice Vote - AYES: Councilmembers Pryor, Zajack, Renee, Tallman, and Kocsis.
ABSTAIN: Councilmember Wardell.
ABSENT: Councilmember Renee.

April 16, 2018

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

Voice Vote - AYES: Councilmembers Pryor, Zajack, Wardell, Tallman, and Kocsis.
ABSENT: Councilmember Renee.

COMMUNICATIONS

February Police Report

Borough Clerk Brown read the summary into the record.

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

Voice Vote - AYES: Councilmembers Pryor, Zajack, Wardell, Tallman, and Kocsis.
ABSENT: Councilmember Renee.

March Police Report

Borough Clerk Brown read the summary into the record.

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

Voice Vote - AYES: Councilmembers Pryor, Zajack, Wardell, Tallman, and Kocsis.
ABSENT: Councilmember Renee.

PRESENTATIONS

Presentation to Colton and Friends

Mayor Brown thanked the Mayor's Ball Committee, all involved and the Hine's family for a great night. Mr. Hine's was invited to the floor, and gave an overview of what foundation does, specifically in supporting recreational opportunities to students with disabilities in various school districts. Mr. Hine's noted every penny raised goes back to empowering

the children. Mr. Hine's thanked Neptune City for all the support over the years. Mayor Brown presented a check for \$18,000.00 to Colton and Friends on behalf of the Mayor's Ball Committee.

IN MAYORS AND COUNCIL REPORTS

Mayor Brown reminded Council of the Open House at Coral Harbor on June 7 from 4:30 – 7:00 p.m. Mayor Brown offered condolences to the DiGironimo family. Mayor Brown recognized the Taishia and Michael - owners of Nava Hair Studio; the grand opening will be Saturday at 86 Morris Avenue.

LAW & ORDINANCE – Councilmember Renee
C/Renee was absent.

ADMINISTRATION & FINANCE – Councilmember Tallman
C/Tallman had no report. C/Tallman offered condolences to the DiGironimo family. The Neptune City Family Foundation will be hosting a dance May 4 at the Community Center for grades 5-8.

PUBLIC WORKS – Councilmember Pryor
C/Pryor congratulated Colton and Friends. The Road sweeper will be out this week. Bathrooms at Memorial Park and Adams Field will be open starting Thursday, April 26. Last week was the bulk cleanup – collection of 192 cubic yards of brush, 15 cubic yards of metal, 6 cubic yards of concrete, 6 cubic yards of leaves, 3 cubic yards of electronic scrap and ten tires were made. C/Pryor offered thanks to Public Works.

ADMINISTRATION & JUSTICE – Councilmember Zajack
C/Zajack had no report.

SPECIAL SERVICES – Councilmember Kocsis
C/Kocsis thanked the Shark River Cleanup Coalition for the cleanup held on Saturday. The Littoral Society is hosting horseshoe crab tagging for anyone interested.

HUMAN SERVICES – Councilmember Wardell
C/Wardell had no report. C/Wardell noted the Mayor's Ball was wonderful. C/Wardell offered condolences to the DiGironimo family.

PUBLIC PARTICIPATION (FOR AGENDA ITEMS ONLY)

Ms. Kelly Strazdas, Overbrook Place, asked if the Cap Ordinance was for the budget. Mayor Brown confirmed it was. Ms. Strazdas asked what the excess was for. Mayor Brown explained the Cap Ordinance is required by the State to do a Cap Bank. Mayor Brown confirmed the CFO would be in attendance at the Public Hearing and would explain in more detail. Ms. Strazdas asked if the Borough was trying to raise \$60,000.00; Mayor Brown explained it is for the Cap Bank – in order to put money in the bank, noting the ordinance is done every year in case something were to happen. Administrator Underhill explained when less than the maximum is used you can bank the leftover from last year in case the cost of something is more than anticipated in the next year. Ms. Strazdas noted the bill list, explaining the format from November was detailed with line items and now it's just checks; then asked who makes the decision on how to display the bills. Mayor Brown explained the CFO determines the format. Discussion continued on the format. Mayor Brown noted the Finance Committee will be reviewing the format presentation.

OLD BUSINESS – there was no old business before Council.

NEW BUSINESS

Resolution 18-49 Payment of Bills

Resolution 18-50 Participation in Paint the Town Pink

Resolution 18-51 Hiring of Zachary Michael Campbell as Patrolman

Resolution 18-52 Hiring of Matthew Kane Holtz as Patrolman

Resolution 18-53 Update to Cash Management Plan

Resolution 18-54 Ordinance 2018-04 Introduction to Establish Cap Bank

Resolution 18-55 Certification of Compliance Equal Employment Opportunity

Resolution 18-56 Introduction of 2018 Municipal Budget

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

**Resolution 2018-49
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 \$616,540.56.

Roll Call - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

Mayor Brown declared the resolution adopted.

Borough Clerk Brown read the resolution into the record.

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

**Resolution 2018-50
Paint the Town Pink**

WHEREAS, Paint the Town Pink is an annual month long event sponsored by Meridian Health to raise awareness of the ways to prevent breast cancer; and

WHEREAS, Breast Cancer is the most common cancer found in American Women today and one out of eight women are diagnosed with breast cancer each year, and

WHEREAS, there are more than 2.5 million breast cancer survivors in the United States, and

WHEREAS, it is recommended that women between the ages of 40 and 50 years old should have a mammogram every one to two years, and

WHEREAS, the Borough of Neptune City understands that early detection is a woman’s best defense against breast cancer, and

WHEREAS, the Borough is proud to be a part of the community-wide effort to raise awareness of the importance of the annual mammography across Monmouth County, and

WHEREAS, the Borough has been invited to participate in the “Paint the Town Pink” Program for 2018 and proudly accepts the invitation and encourages participation in the program with the community, and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City proclaim the month of May as “Paint the Town Pink” and the Borough of Neptune City is proud to be known as “PINKTUNE CITY” for the month of May, and it is hoped that all residents and businesses will join in to help educate the Community on early detection of breast cancer.

Roll Call - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

Mayor Brown declared the resolution adopted.

Borough Clerk Brown read the resolution into the record.

C/Zajack offered the following resolution and moved its adoption.

C/Zajack thanked Director Kirshenbaum, Captain Quagliatio and Mayor Brown, noting it amazes him the screening process candidates go through to become Officers in Neptune City.

Motion seconded by C/Kocsis.

**Resolution 2018-51
APPOINTMENT OF ZACHARY MICHAEL CAMPBELL AS A POLICE OFFICER**

WHEREAS, the Borough of Neptune City is in need of a Police Officer, and

WHEREAS, it is the recommendation of the Police Administration and the Mayor and Council to hire Zachary Michael Campbell as a Police Officer, and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City hire Zachary Michael Campbell as a Police Officer June 1, 2018 at the rate of pay as determined by agreement between the Borough of Neptune City and the Neptune City Police Officers' Association.

Roll Call - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

Mayor Brown declared the resolution adopted.

Borough Clerk Brown read the resolution into the record.

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

**Resolution 2018-52
APPOINTMENT OF MATTHEW KANE HOLTZ AS A POLICE OFFICER**

WHEREAS, the Borough of Neptune City is in need of a Police Officer, and

WHEREAS, it is the recommendation of the Police Administration and the Mayor and Council to hire Matthew Kane Holtz as a Police Officer, and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City hire Matthew Kane Holtz as a Police Officer July 1, 2018 at the rate of pay as determined by agreement between the Borough of Neptune City and the Neptune City Police Officers' Association.

Roll Call - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

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/Wardell.

**Resolution 2018-53
UPDATE TO CASH MANAGEMENT PLAN**

WHEREAS, the following Banks and Trust Companies be the official depositories wherein all of the accounts for the Borough of Neptune City be kept:

- TD Bank
- Kearny Bank
- Santander Bank
- New Jersey Community Bank
- PNC Bank
- Manasquan Bank

WHEREAS, disbursements of the following accounts be made by checks signed by the Mayor, Borough Administrator, Chief Financial Officer or Municipal Clerk/Treasurer.

Savings/Checking Accounts

- | | |
|---------------------------|--------------------------|
| Developer Escrow Accounts | Unemployment Escrow |
| Public Assistance I | Sewer |
| Board of Recreation I | Tax Sale Premium Account |
| Payroll | Agency |

Construction	Special Trust
Law Enforcement Trust Fund	General Capital
Sewer Capital	Animal Control
Current Account	

WHEREAS disbursements for the Municipal Court Bail and General Accounts be made by checks signed by the Court Administrator, and

WHEREAS, disbursements for the Board of Recreation II be made by checks signed by the Mayor, Administrator or Borough Clerk/ Treasurer, and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Neptune City do hereby adopt the Cash Management Plan which is attached to this resolution.

Roll Call - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

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/Wardell.

Resolution 2018-54

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45014)**

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 2018 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 \$60,490.18 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 2018 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 \$60,490.18, and that the CY 2018 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.

Roll Call - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

Mayor Brown declared the resolution adopted.

Motion to advertise by C/Tallman. Seconded by C/Wardell.

Voice Vote - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

Borough Clerk Brown read the resolution into the record.

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

Resolution 2018-55

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.

Roll Call - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

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/Wardell.

Mayor Brown gave an overview of the budget process, noting the budget will be reviewed by the state and adoption will hopefully take place May 29, 2018. Mayor Brown commended Council on the budget; noting several items were added including a resource officer, and still for the third year, the budget is being offered with a flat tax rate.

Resolution 2018-56

BOROUGH OF NEPTUNE CITY COUNTY OF MONMOUTH, STATE OF NEW JERSEY APPROVING INTRODUCTION OF MUNICIPAL BUDGET FOR THE YEAR 2018

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2018; and

BE IT FURTHER RESOLVED that said budget be published in The Coaster in the issue of May 3, 2018. The governing body of the Borough of Neptune City does hereby approve the following as the budget for the year 2018.

Roll Call - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

Mayor Brown declared the resolution adopted.

Motion to advertise by C/Tallman. Seconded by C/Wardell.

Voice Vote - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

Attorney Aikins clarified Resolution 53 regarding the cash management plan and depositories.

Motion to amend the agenda to add a resolution to approve a street closing for a block party.

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

Voice Vote - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

Administrator Underhill noted the location, date and time of the Block Party for which the request was made to close the street.

C/Wardell offered the following resolution and moved its adoption. Seconded by C/Zajack

**RESOLUTION 2018-57
APPLICATION TO TEMPORARILY CLOSE LAIRD AVE AND HOLLY AVE**

WHEREAS, the residents at 8 Holly Avenue has submitted application to close a portion of Laird Avenue and Holly Avenue on May 19, 2018, and

WHEREAS, the residents are requesting to have a block party between the hours of 2:00 P.M. until 11:00 P.M., and

WHEREAS, this application has been reviewed by the Public Safety Director, and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City hereby approve a portion of Laird and Holly Avenues to be closed from 2:00 P.M. to 11:00 P.M. on May 19, 2018, and

BE IT FURTHER RESOLVED that the proper signs and barricades be posted as not to create a traffic hazard.

Roll Call - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

Mayor Brown declared the resolution adopted.

PUBLIC PARTICIPATION

Ms. Christine Oppegaard 34 Myron Avenue, asked for an update from TFH. Mayor Brown noted they are on track and monitoring and the Borough is in constant communication. A charcoal filtration system is being installed.

Ms. Lisa Cottrell 29 Windsor Ave. explained she'd been in Florida all winter and upon her return the smell was all day today. Mayor Brown explained the topic has been discussed for several months and TFH is working on doing something. Discussion continued; Mayor Brown noted the filtration system will hopefully be done by the end of the month.

Ms. Kathleen Mulvihill, 28 Myron Avenue, ask if fines will be implemented if there is no improvement. Mayor Brown reiterated the FDA regulates TFH; TFH is meeting all the requirements and have yet to receive a summonses on the

odor despite the Monmouth County Board of Health coming several times. Discussion continued on what is being done to address the issue.

Ms. Collen Christie, 79 Lincoln Avenue, asked if the minutes of the meeting are posted anywhere. Mayor Brown confirmed once approved by Council the minutes are posted on the Borough website.

Ms. Tamara Tallman, Avondale Avenue, gave an update on Paint the Town Pink. There will be a bocce tournament on May 5, a Paint Party on May 18, and a window decorating contest for the business in town. The winning business will receive two weeks of free advertising on the billboard by Kelly's.

Mr. John Albano, 34 Green Avenue, asked if there is no schedule how will the Borough know TFH has done what they said they would do in a timely manner. Mayor Brown explained he will report every two weeks at the Council meetings with updates on the progress. Discussion continued on written reports and how the public will be informed. Mayor Brown reiterated he is trying to keep communication open to have TFH comply and remedy the situation.

ADJOURN 7:49 p.m.

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

Voice Vote - **AYE:** Councilmembers Pryor, Zajack, Wardell, Tallman and Kocsis.
 ABSENT: Councilmember Renee.

Mayor Robert Brown

Tamara Brown, Municipal Clerk