

TOWNSHIP COMMITTEE WORKSHOP MEETING – MAY 10, 2021 – 6:00 P.M.

In person attendance at this meeting is permitted. In addition, video and audio access to the meeting is via townhallstreams.com/towns/neptune_nj.

Mayor Brantley calls the workshop meeting to order at 6:00 p.m. and asks the Clerk to call the roll:

ROLL CALL

PRESENT/ABSENT

Keith Cafferty	_____
Robert Lane, Jr.	_____
Nicholas Williams	_____
Tassie D. York	_____
Dr. Michael Brantley	_____

Also present: Vito D. Gadaleta, Business Administrator; Gene Anthony, Township Attorney; and Richard J. Cuttrell, Municipal Clerk.

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on April 29, 2021, which indicated the ability to attend the meeting in person and included instructions on accessing and participating in the meeting virtually through townhallstreams.com. The Notice was filed with the Municipal Clerk and posted on the Township web site (www.neptunetownship.org), along with the meeting agenda, ordinances and resolutions.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Draft “Green Team” ordinance. (PW)
2. Review Committee calendars.

Res. # 21-185 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

RESOLUTION #21-185 – 5/10/21

AUTHORIZE AN EXECUTIVE SESSION AS AUTHORIZED BY
THE OPEN PUBLIC MEETINGS ACT

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:

Personnel – Vacancy on Rent Leveling Board
Potential Litigation – Sewer reservation fee agreement

3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.

4. This Resolution shall take effect immediately.

ORDINANCE

****DRAFT****

ORDINANCE CREATING THE NEPTUNE TOWNSHIP ADVISORY COMMITTEE ON SUSTAINABLE PRACTICES ALSO KNOWN AS THE "GREEN TEAM"

WHEREAS, the Township Committee of the Township of Neptune strives to assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially and a community which will continue to thrive well in changing times; and

WHEREAS, the Mayor and Committee of the Township of Neptune wish to build a model of government, which benefits our residents and business community now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, in an attempt to focus attention on "Green" issues, the Mayor and Committee of the Township of Neptune wish to establish an advisory committee on sustainable practices, including but not limited to, renewable energy, energy conservation, greenhouse gas emissions reductions and other environmentally beneficial practices, to be known as the "Green Team"; and

WHEREAS, solar and wind power, building upgrades utilizing energy saving equipment and sustainable materials, changes to fleet purchasing, fuel and maintenance, water quality improvements, and operational changes and addressing the future of electric vehicles and the need for recharging stations and any other potential beneficial environmental policy or change will all be considered as the Township moves to do its share to lessen the environmental impact of its operations.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Committee of the Township of Neptune, that the Township hereby creates the following committee for purposes of advising the Township Committee and recommend improved municipal operations with "green" initiatives which are economically and environmentally sound through research and evaluation as follows:

Section 1. Creation of Office

There is hereby created an advisory committee, which shall be known as the Advisory Committee on Sustainable Practices, hereinafter also called the "Green Team."

Section 2. Compensation, Reimbursement of Expenses and Clerical Assistance

The members of the Green Team, including non-voting members, shall receive no compensation for their services as members thereof, but may be reimbursed for reasonable and necessary appropriations made available therefore, but only upon request to and approval by the Township Committee. The governing body may also, in its discretion, allow the employment of clerical assistance for the Green Team and annually appropriate funds for compensation and/or reimbursement of expenses for said clerical assistance (if so assigned by the governing body) and legal counsel on an as-needed basis, and approved by the Township Committee.

Section 3. Powers and Duties

The powers and duties of the Green Team shall be to:

- A. Collaborate with Township employees, service providers and other governmental agencies to share resource information and ideas consistent with the purpose of the Green Team.
- B. Encourage participation of all employees to solicit ideas on green initiatives.

- C. Research and analyze green initiatives which make practical and environmental and financial sense.
- D. Make all information of the Green Team available to the public.
- E. Advise the Township Committee on matters affecting "green" initiatives.
- F. Develop strategies for sustainable "green" initiatives in municipal operations.
- G. Seek to coordinate, assist, and unify the efforts of private groups, institutions, and individuals within the Township of Neptune in accordance with the purposes of this chapter.
- H. Maintain a liaison and communication with the public, private agencies and organizations of local, state, and national scope, whose programs and activities have an impact on "green" initiatives.
- I. Carry out other such duties as may be assigned from time to time by the Township Committee.
- J. Address and make recommendations to the Township Committee on green initiatives for the community at large, such as but not limited to future of electric vehicles and the need for recharging stations within the Township.
- K. Serve as an advisory committee to the Township Committee concerning recommendations concerning "green" initiatives and review upon request by the Township Committee plans and recommendations that are suggested by the Township Committee towards "green" initiatives.

Section 4. Membership, Terms

A. The Green Team shall consist of five (5) regular voting members, two (2) alternative members at large who shall only vote where a voting member is not present at a time of a vote but shall be the first to replace a voting member as a result of a vacancy by order of their appointment; and three (3) non-voting members consisting of the Committee liaison appointed with the consent of Township Committee by the Mayor, Director of the Department of Public Works and the Township Administrator. Of the five (5) regular voting members, one (1) may be a member of the Shade Tree Environmental Commission, if a member is willing and available, and if not, said seat may be filled by a citizen member, and the remaining members shall be citizens of Neptune Township interested in "green" initiative activities. All voting members must live in the Township of Neptune and continue to live in the Township of Neptune while a member. The exception shall be that one (1) voting member may be a non-resident if said member has a business interest within the Township of Neptune or expertise in environmental studies. On the initial appointments to the Green Team, two (2) voting members shall have a term of four (4) years each and other three voting members from the among the group shall have a term of three (3) years each; the two (2) alternate members at large shall have terms as follows: Alternate 1; two (2) years and Alternate 2; one (1) year. The non-voting Committee liaison, Director of Public Works and Business Administrator shall serve for a one (1) year term.

B. The Green Team shall be encouraged to seek participation of other residents of the Township in all activities.

C. The Green Team may create and disband subcommittees as they deem appropriate or as requested by the Township Committee.

Section 5. Officers and Records

The Green Team, at its annual meeting or reorganization meeting, shall designate a Chairperson from among its voting members, who shall serve for the term of Chairperson for one (1) year. The Green Team may re-elect the same individual as Chairperson on an annual basis at their discretion. At any annual meeting of the Green Team, its members shall elect, from among the voting members, all officers of the Green Team and establish rules and procedures for its members to follow. The Green Team shall keep accurate minutes of its meetings and activities, and shall file an annual report with the Township Committee. The annual report shall cover the activities and work of the Green

Team and include recommendation as may be necessary to fulfill the purposes of this Ordinance. Approved minutes of meetings shall be filed with the Township Clerk.

Section 6. Intent

This chapter shall be deemed an exercise of the powers of the Township Committee to establish a committee with the responsibility to research potential sustainable practices, including but not limited to, renewable energy, energy conservation, greenhouse gas emissions reductions, future electric car charging stations, and other environmentally beneficial practices. The Green Team will also promote sustainable practices to the community at large.

All Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

This ordinance shall take effect immediately upon final passage and publication as provided by law.

DATE INTRODUCED:

DATE ADOPTED:

TOWNSHIP COMMITTEE MEETING – MAY 10, 2021 – 7:00 P.M.

In person attendance at this meeting is permitted. In addition, video and audio access to the meeting is via townhallstreams.com/towns/neptune_nj. Questions and comments will also be accepted via townhallstreams.com/towns/neptune_nj.

Mayor Brantley calls the meeting to order and asks the Clerk to call the roll:

ROLL CALL

PRESENT/ABSENT

Keith Cafferty
Robert Lane, Jr.
Nicholas Williams
Tassie D. York
Dr. Michael Brantley

Also present at the dais: Gene Anthony, Township Attorney; Vito D. Gadaleta, Business Administrator; and Richard J. Cuttrell, Municipal Clerk.

Silent Prayer and Flag Salute

The Clerk states, "Fire exits are located in the rear of the room and to my right. In the event of a fire, you will be notified by fire alarm and/or public address system, then proceed to the nearest smoke-free exit."

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on April 29, 2021, which indicated the ability to attend the meeting in person and included instructions on accessing and participating in the meeting virtually through townhallstreams.com. The Notice was filed with the Municipal Clerk and posted on the Township web site (www.neptunetownship.org), along with the meeting agenda, ordinances and resolutions.

APPROVAL OF MINUTES – Motion offered by _____, seconded by _____, to approve the minutes of the meetings held on April 26th and May 3rd.

COMMENTS FROM THE DAIS - Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

PUBLIC HEARING –BUDGET AMENDMENT

Public Comments regarding the budget amendment adopted by Resolution #21-163 on April 26, 2021. The public will be permitted one opportunity to comment with a limit of five minutes. Public comments will also be accepted remotely via townhallstreams.com/towns/neptune_nj.

RESOLUTION TO ADOPT 2021 MUNICIPAL BUDGET

Res. # 21-186 – Adopt 2021 Township of Neptune Municipal Budget.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

PUBLIC COMMENTS ON RESOLUTIONS - Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes. Public comments will also be accepted remotely via townhallstreams.com/towns/neptune_nj.

ORDINANCES - For each ordinance with a public hearing, the public is permitted one visit to the microphone with a limit of five minutes. Public comments will also be accepted remotely via townhallstreams.com/towns/neptune_nj.

ORDINANCE NO. 21-15 – An ordinance to amend Chapter IV, Section 4-4 of the Code of the Township of Neptune entitled “Solicitor, Canvasser, Peddler, Hawker, Itinerant Merchant or Transient Vendor” so as to add and establish a no knock registry - Final Reading

Explanatory Statement: This ordinance establishes a No Knock Registry, sets forth the process for an owner and/or occupant to be included on the Registry, and establishes exceptions and penalties.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-16 – An ordinance to amend Chapter IV, Section 4-4 of the Code of the Township of Neptune entitled “Solicitor, Canvasser, Peddler, Hawker, Itinerant Merchant or Transient Vendor” - Final Reading

Explanatory Statement: This ordinance amends the solicitation ordinance by amending definition of exempt persons and organizations and the permitted hours/days of the week for door-to-door solicitation.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-17 – An ordinance providing for the sale of property, known as Block 402, Lot 7, with an address of 1324 10th Avenue owned by the Township of Neptune, no longer needed for the public use, being less than the minimum size required for development under the municipal zoning ordinance to owners of contiguous land - Final Reading

Explanatory Statement: This ordinance authorizes the sale of undersized Township owned property located at 1324 10th Avenue contiguous property owners only at a minimum bid of \$52,600.00

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-18 – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding a resident only handicapped parking zone on Mt. Tabor Way and removing a resident only handicapped parking zone on Heck Avenue - Final Reading

Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone in front of 69 Mt. Tabor Way and the removal of an existing resident only handicapped parking zone in front of 86 Heck Avenue.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-19 – An ordinance authorizing a Cooperation Agreement and continuance between the Township of Neptune and the Housing Authority of the Township of Neptune and payment in lieu of taxes for the continued ownership, operation and management - Final Reading

Explanatory Statement: This ordinance authorizes the execution of a Cooperation Agreement with the Neptune Township Housing Authority to continue the provisions of a Cooperation Agreement executed in 1958 to allow the Housing Authority to continue to provide housing to citizens in need, to demolish the present facility at 1130 Heck Avenue, and construct a new facility at the same location.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-20 – An ordinance to amend Volume I, Chapter XII of the Code of the Township of Neptune entitled "Property Maintenance" by amending the requirements and fees for a Certificate of Inspection. - First Reading

Explanatory Statement: This ordinance amends the Property Maintenance Code to update the regulations, remove conflicts, include current processes, and update the fee schedule for the issuance of a Certificate of Inspection

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-21 – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding resident only handicapped parking zones on Main Avenue and Heck Avenue - First Reading

Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone in front of 85 Main Avenue, 99 Main Avenue, and 92 Heck Avenue.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-22 – An ordinance repealing Ordinance No. 08-33 adopting a Redevelopment Plan for the Route 35 and West Bangs Avenue area (currently designated on the tax map as Block 808, Lots 5, 6, 7 and 8 and formerly designated on the tax map as Block 249, Lots 1, 4, 5, 6, and 10.1; and Block 250, Lots 1.01 and 3) located in the Township of Neptune, County of Monmouth, New Jersey - First Reading

Explanatory Statement: This ordinance removes the Redevelopment Zone, adopted in 2008, for the property located at northwest corner of the intersection of Route 35 and West Bangs Avenue.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-23 – Bond ordinance providing for improvements to various parks, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$200,000 therefor and authorizing the issuance of \$190,000 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This Bond Ordinance authorizes an appropriation of \$200,000 for improvements to various parks within the Township, including but not limited to, ballfield improvements, construction and reconstruction at Jumping Brook Park, Bert Willis Fields, Loffredo Field and Sunshine Village Park, the acquisition and installation of a playground and parks equipment at Bradley Park, and the development of South Riverside Park

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

ORDINANCE NO. 21-24 – Bond ordinance providing for roadway reconstruction and drainage improvements to Myrtle Avenue, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$400,000 therefor (including \$226,803 NJDOT Transportation Trust Fund grant) and authorizing the issuance of \$173,197 bonds or notes of the township to finance part of the cost thereof - First Reading

Explanatory Statement: This Bond Ordinance authorizes an appropriation of \$400,000 for roadway reconstruction and drainage improvements to Myrtle Avenue in the Township, as further described in the Myrtle Avenue Roadway Reconstruction Project documents on file with the Township Engineer

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

The Clerk announces that the Public Hearings on Ordinances 21-20 through 21-24 will be held on Monday, May 24, 2021.

CONSENT AGENDA

Res. #21-187 – Authorize execution of a Shared Services Agreement with the County of Monmouth for property assessment computer system services.

Res. #21-188 – Authorize the refund of a summer dockage fee.

Res. #21-189 – Employ part-time temporary Tourism Representatives for the 2021 summer season.

Res. #21-190 – Resolution of need determination by the Township Committee of the Township of Neptune pertaining to the development of 1130 Heck Avenue site by the Neptune Township Housing Authority.

CONSENT AGENDA Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-191 – Reclassify employee to the position of Roads Supervisor in the Department of Public Works.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-192 – Reclassify employee to the position of Parks/Quality of Life Foreman in the Department of Public Works.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-193 – Award bid for fleet management and maintenance.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-194 – Authorize appeal of Tax Court of New Jersey’s decision on Ocean Grove Camp Meeting Association of the United Methodist Church v. Township of Neptune, Docket 013693-2017.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

Res. #21-195 – Authorize the payment of bills.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Williams, _____; York, _____; Brantley, _____.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Members of the public may address any concern relating to the Township. The public will be permitted one visit to the microphone with a limit of five minutes. Public Comments will also be accepted remotely via townhallstreams.com/towns/neptune_nj.

ADJOURNMENT

ORDINANCE NO. 21-15

AN ORDINANCE TO AMEND CHAPTER IV, SECTION 4-4 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "SOLICITOR, CANVASSER, PEDDLER, HAWKER, ITINERANT MERCHANT OR TRANSIENT VENDOR" SO AS TO ADD AND ESTABLISH A NO KNOCK REGISTRY

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the Neptune Township Code of Ordinances, Volume I, Chapter IV, Section 4-4 of the Code of the Township of Neptune entitled "Solicitor, Canvasser, Peddler, Hawker, Itinerant Merchant or Transient Vendor" is hereby amended to add §4-33, entitled "No Knock Registry" as follows:

§4-33 No Knock Registry.

- a. The Police Department shall maintain a list of addresses of those premises where the owner and/or occupant has notified the Police Department that soliciting, canvassing, peddling, hawking or other actions set forth more fully in §4-4 of the Code of the Township of Neptune are not permitted on the premises (hereinafter referred to as the "No Knock Registry"). A request by owners or occupants being included on the No Knock Registry shall be by completion and submission of a form made available to the Police Department. The No Knock Registry shall be updated on January 15th and July 15th of each year.
- b. Any owner and/or occupant who has requested enlistment on the No Knock Registry, pursuant to §4-33(a) herein shall be able to purchase, for a fee of \$5.00 a sticker for display at his, her or their premises indicating enlistment on the No Knock Registry.
- c. The Police Department shall distribute the current No Knock Registry to any licensee at the time of issuance of a license to solicit, canvass, peddle, or hawk or otherwise act under §4-4 of the Code of the Township of Neptune. Said licensee shall not solicit, canvass, peddle or hawk or take any other actions subject to a license under §4-4 of any premises identified on the current No Knock Registry.

§4-33.1 Exceptions.

The following persons and/or organizations or persons representing said organizations are exempt from compliance with this section:

- a. Any charitable, religious, patriotic, political or philanthropic purpose.
- b. Any organization or person representing said organization which qualifies for tax exemption under the Internal Revenue Service Code.

- c. Any organization or person representing said organization that qualifies for exemption from sales tax under N.J.S.A. 54:32B-9 or created under Title 15A of New Jersey Statutes.
- d. Persons delivering goods, wares or merchandise in the regular course of business to the premises of persons ordering or entitled to receive said goods; such as but not limited to delivery of milk, eggs, bread, newspapers or other necessary and/or perishable articles of food or merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one week.
- e. Federal Census takers and polls or surveys taken pursuant to Federal, State or Local Law.
- f. Veterans or volunteer fireman, first aid, individuals representing said groups holding a special license pursuant to N.J.S.A. 45:24-9, and shall be obligated to carry said license or proper identification.
- g. Halloween trick-or-treaters.
- h. It shall be unlawful for any person under the age of 18 to solicit under this Section unless supervised by a person at least 18 years of age or older and who will be in sight of and no more than 100 feet away from an individual who is 18 years of age or older.
- i. No person subject to the provisions of this section shall canvass, solicit or distribute circulars or other matters or call from house to house except during the hours of 1 pm through 5 pm Monday through Friday. No commercial solicitation, distribution or canvassing is permitted Saturday or Sunday in the Township.

§4-33.2 Violations and Penalties.

- a. Any person who appears at a property on the No Knock Registry where the property has been so posted in accordance with this section shall be considered in violation of the this Ordinance.
- b. Any person violating the terms of this section shall be subject to the following penalties:
 - 1. First offense – A fine of \$300.00.
 - 2. Second offense – A fine of \$1,000.00
 - 3. Third or subsequent offense – A fine of not less than \$1,000.00 nor more than \$2,000.00 and in the discretion of the Court, jail and/or community service or any combination thereto of not more than ninety (90) days.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING: April 26, 2021

APPROVED, PASSED, AND ADOPTED: May 10, 2021

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-16

AN ORDINANCE TO AMEND CHAPTER IV, SECTION 4-4 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "SOLICITOR, CANVASSER, PEDDLER, HAWKER, ITINERANT MERCHANT OR TRANSIENT VENDOR"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the Neptune Township Code of Ordinances, Volume I, Chapter IV, Section 4-4 of the Code of the Township of Neptune entitled "Solicitor, Canvasser, Peddler, Hawker, Itinerant Merchant or Transient Vendor" is hereby amended as follows:

§4-4.5. Presently entitled "Charitable, Religious, Patriotic or Philanthropic Organizations shall be changed to "Exempt Persons and Organizations".

- a. Any person, organization, society or association desiring to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization at any place or places within the Township, said persons or organizations shall be exempt from §4-4 and will not have to file any sworn application in writing either for notification purposes or seeking a license, if said person or organization falls under the following categories:
 1. Any charitable, religious, patriotic, political or philanthropic purpose.
 2. Any organization or person representing said organization which qualifies for tax exemption under the Internal Revenue Service Code.
 3. Any organization or person representing said organization that qualifies for exemption from sales tax under N.J.S.A. 54:32B-9 or created under Title 15A of New Jersey Statutes.
 4. Persons delivering goods, wares or merchandise in the regular course of business to the premises of persons ordering or entitled to receive said goods; such as but not limited to delivery of milk, eggs, bread, newspapers or other necessary and/or perishable articles of food or merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one week.
 5. Federal Census takers and polls or surveys taken pursuant to Federal, State or Local Law.
 6. Veterans or volunteer fireman, first aid, individuals representing said groups holding a special license pursuant to N.J.S.A. 45:24-9, and shall be obligated to carry said license or proper identification.

7. Halloween trick or treaters.
8. It shall be unlawful for any person under the age of 18 to solicit under this Section unless supervised by a person at least 18 years of age or older and who will be in sight of and no more than 100 feet away from an individual who is 18 years of age or older.

§4-4.7 Rules and Regulations.

Every person, society, association or organization to which a license is issued and is required to be issued under the terms of this Section shall be governed by the following rules and regulations:

- b. No person subject to the provisions of this section shall canvass, solicit or distribute circulars or other matters or call from house to house except during the hours of 1:00 p.m. through 5:00 p.m. Monday through Friday. No commercial solicitation, distribution or canvassing is permitted Saturday or Sunday in the Township.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING: April 26, 2021

APPROVED, PASSED, AND ADOPTED: May 10, 2021

Richard J. Cuttrel,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-17

AN ORDINANCE PROVIDING FOR THE SALE OF PROPERTY, KNOWN AS BLOCK 402, LOT 7, WITH AN ADDRESS OF 1324 10TH AVENUE OWNED BY THE TOWNSHIP OF NEPTUNE, NO LONGER NEEDED FOR THE PUBLIC USE, BEING LESS THAN THE MINIMUM SIZE REQUIRED FOR DEVELOPMENT UNDER THE MUNICIPAL ZONING ORDINANCE TO OWNERS OF CONTIGUOUS LAND

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE IN THE COUNTY OF MONMOUTH THAT:

SECTION 1. The Township hereby determines to sell public land, no longer needed for public use, at private sale to owners of property contiguous to the land offered for sale. Said premises are sold pursuant to N.J.S.A. 40A:12-13B and N.J.S.A. 40A:12-13.2 at private sale at an amount no less than the minimum bid as set in Section 2.

SECTION 2. The premises offered for sale are less than the minimum size required for development under the Municipal Zoning Ordinance and are without any capital improvement thereon. The property offered for sale and the minimum allowable bid is as follows:

BLOCK/LOT	ADDRESS	MINIMUM BID
402/7	1324 10th Avenue	\$ 52,600.00

SECTION 3. All owners of any real property contiguous to the premises offered for sale shall have the right of prior refusal to purchase said land at no less than the minimum bid. In the event that there is more than one owner with property contiguous to the premises offered for sale, the said property shall be sold to the highest bidder from among all such owners.

SECTION 4. Said premises are sold for the sole purpose of being used together with the adjoining or contiguous land and premises of the purchaser.

SECTION 5. No single or separate structure shall be erected on the subject premises, nor shall same be improved, unless the subject premises are combined, by means of subdivision, with adjoining or contiguous lands and premises of the Purchaser, all in accordance with the approval of the appropriate Board or Agency of the Township of Neptune and in accordance with the minimum requirements of the Zoning Ordinances and other applicable ordinances of the Township of Neptune.

SECTION 6. Ten (10%) percent of the purchase money is to be paid at the time the property is sold in the form of a certified check, cash, or money order. If the money is not paid at that time, the property may be put up and re-sold immediately. The balance is to be paid within ninety (90) days upon delivery of a bargain and sale deed.

SECTION 7. All right, title and interest of the Township in and to the lands offered for sale are being sold subject to all applicable federal, state and municipal laws and regulations including applicable ordinances, easements, conditions, restrictions and rights-of-way of record and such facts as an accurate survey may disclose.

SECTION 8. The description and location of said lands as set forth herein are for informational purposes only and perspective bidders should examine the property prior to building to verify this information.

SECTION 9. The Township represents title to said property is good and marketable, insurable by a reputable title insurance company at its regular rates except for restrictions and easements of record. In the event that the Township cannot convey marketable title to said premises, its sole liability shall be to return without interest all monies paid by the Purchaser to the Township. Objections to the marketability of title must be made in writing to the Township at least thirty (30) days prior to delivery of the Bargain and Sale Deed or any such objection shall be deemed waived.

SECTION 10. The Purchaser shall be required at the time of closing, to pay as an additional purchase price, equal to all Township legal fees associated with the conveyance of the property. Any bidder who fails to complete his purchase will forfeit to the Township any deposit paid. Closing will take place at the Neptune Municipal Offices. All closing costs including the balance of the purchase price shall be made in the form of cash, certified check or money order.

SECTION 11. The Township reserves the following rights with regard to this sale:

A. To adjourn the sale in whole or in part at the time of sale for not more than one week without readvertising the sale.

B. To reject any and all bids received.

C. To waive such conditions of this sale as are deemed in the best interest of the Township.

SECTION 12. Closing on the subject premises shall take place no later than ninety (90) days from the date the premises are sold to the highest bidder.

SECTION 13. In the event that the Purchaser fails to comply with the terms and conditions of the sale or otherwise fails to close on the subject premises, liquidated damages in the amount of the deposit shall be retained by the Township and upon written notice by the Township to the Purchaser, the sale shall be terminated.

SECTION 14. The within premises are sold strictly in an "as is" condition. The Purchaser acknowledges bidding on the subject premises with knowledge as to the value of the land, and not on any representations made as to the character or quality by the Township.

SECTION 15. The deed shall be conveyed subject to all of the conditions hereinabove set forth.

SECTION 16. The Township Clerk is authorized to fix the date of the public auction and advertise for the notice of public auction pursuant to N.J.S.A. 40A:12-13.

SECTION 17. That all ordinances or parts of ordinances of the Township of Neptune, in conflict or inconsistent with this ordinance, are hereby repealed, but only, however, to the extent of such conflict or inconsistency; it being the legislative intent that all other ordinances, or parts of ordinances, now existing and in effect, unless the same be in conflict or inconsistent with

any of the provisions of this ordinance, shall remain in full force and effect.

SECTION 18. This ordinance shall become effective immediately upon its adoption and publication according to law.

APPROVED ON FIRST READING: April 26, 2021

APPROVED, PASSED AND ADOPTED: May 10, 2021

ATTEST:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-18

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON MT. TABOR WAY AND REMOVING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON HECK AVENUE

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Mt. Tabor Way	1	North side of Mt. Tabor Way beginning 142 feet west of the northwest intersection of Mt. Tabor Way and Pilgrim Pathway

SECTION 2

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by *removing* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Heck Avenue	1	South side of Heck Avenue beginning 97 feet west of the southwest intersection of Heck Avenue and New York Avenue

SECTION 3

This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING: April 26, 2021

APPROVED, PASSED, AND ADOPTED: May 10, 2021

Richard J. Cuttrel,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-19

AN ORDINANCE AUTHORIZING A COOPERATION AGREEMENT AND CONTINUANCE BETWEEN THE TOWNSHIP OF NEPTUNE AND THE HOUSING AUTHORITY OF THE TOWNSHIP OF NEPTUNE AND PAYMENT IN LIEU OF TAXES FOR THE CONTINUED OWNERSHIP, OPERATION AND MANAGEMENT

WHEREAS, records indicate that a Cooperation Agreement, often called an Agreement for Payment in Lieu of Taxes, was entered into between Neptune Township and the Housing Authority of Neptune Township in 1958, and has been a subject of cooperation since that time; and

WHEREAS, the actual written Agreement, fully executed by the parties, has not been found. Therefore, one is now needed in order to obtain funding required for the Housing Authority for planned construction of the new Housing Authority building located at 1130 Heck Avenue, as well as improvements to other property sites; and

WHEREAS, it is considered in the best interest of the municipality to maintain the Housing Authority of Neptune Township to encourage and to provide low-rental housing to citizens in need of such housing, demolition of its present facility at 1130 Heck Avenue, Neptune Township, NJ, built in the 1960's and construction of a new facility and improvements to other projects controlled by the Housing Authority.

NOW, THEREFORE BE IT ORDAINED AND ENACTED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that pursuant to N.J.S.A. 55:14K-1 et seq., which requires an Agreement to be entered into with the municipality for Payment in Lieu of Taxes, pursuant to the aforesaid statute, and that said Agreement be authorized by the governing body of the Township of Neptune, and the Township Committee hereby authorizes the Municipal Attorney to prepare a Cooperation Agreement as a continuing Agreement to that which previously existed between Neptune Township and the Housing Authority of Neptune Township, since 1958, with the understanding that the Housing Authority shall continue to exist in Neptune Township and intends to demolish the present facility and construct a new facility for low-rent resident housing, while seeking a subdivision of its present site at 1130 Heck Avenue and construct its new facility at the same site and make improvements to other sites set forth in the Agreement.

BE IT FURTHER ORDAINED AND ENACTED, that the Mayor and Clerk are hereby authorized to execute the Agreement, upon preparation of the same by the Municipal Attorney.

This Ordinance shall take effect upon final adoption and publication by notice of the adoption as required by law; and

All Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

APPROVED ON FIRST READING:

April 26, 2021

APPROVED, PASSED, AND ADOPTED:

May 10, 2021

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-20

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XII, OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "PROPERTY MAINTENANCE" BY AMENDING THE REQUIREMENTS AND FEES FOR A CERTIFICATE OF INSPECTION

BE IT ORDAINED, by the Township Committee of the Township of Neptune that Volume I, Chapter XII, Section 12-1.2, Additions, Insertions, and Changes, be and is hereby amended as follows:

Section 12-1.2 – Additions, Insertions, and Changes

jj. Chapter 9 - Certificates of Inspection; Transfer of Title and Certificates of Occupancy

PM 901.1 Scope

The provisions of this chapter shall govern the procedures for a Certificate of Inspection, Transfer of Title and Certificates of Occupancy for the sale, transfer or conveyance of property; renting or leasing of property and installing or constructing improvements to all properties within the boundaries of the Township of Neptune.

PM 901.2 Application forms

Applications for Certificate of Inspection, Transfer of Title, Updates and other inspections as may be applicable to this Chapter shall be made on the forms prescribed by the code official or by using the online portal. Applications may be obtained by the public at the Code Enforcement Office. The applicant must include the name of the owner as it appears on the deed to the property, the name of the purchaser as it is to appear on the deed to the property or tenant; and names of each occupant, and shall be signed by the Owner, Landlord Purchaser or Tenant or designated agent. If the Owner, Landlord, Purchaser or Tenant is a trustee, estate, corporation or other entity, the applicant shall also include the current name and address of the trustee, executor/administrator or registered agent and the registered agent's address as may be set forth in the legal documents of the entity or formation papers of the corporation and any amendments thereto. The applicant shall attach to the application a copy of the legal documents of formation and any amendments thereto, to show evidence of the registration and the name and address of the registered agent.

PM 901.3 Application

The application prescribed by the municipality to request the code enforcement officer or construction officer to inspect a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or other space to determine compliance or non-compliance with the provisions of the BOCA Basic Property Maintenance Code or any other applicable ordinances of the municipality.

Certificate of Inspection: A certificate issued by the code officer or code enforcement office demonstrating that a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space is in full compliance with the provisions of the BOCA Basic Property Maintenance Code and any other applicable ordinances of the municipality, and which also permits occupancy in such property, structure, dwelling unit, etc. by those person(s) or entities included in the application.

Conditional or Temporary Certificate of Inspection: A certificate issued by the code officer or code enforcement office demonstrating that a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space is in substantial compliance with the provisions of the BOCA Basic Property Maintenance Code and any other applicable ordinances of the municipality; does not impair the habitability of the property, structure,

dwelling unit, etc.; and which also permits occupancy in such property, structure, dwelling unit, etc. by those person(s) or entities included in the application.

Certificate of Transfer of Title: A certificate issued by the code officer or code enforcement office authorizing the sale or transfer of a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space, and which does not permit occupancy in such property, structure, dwelling unit, etc. by those person(s) or entities included in the application until such time as an application for, and issuance of, a Certificate of Inspection or Conditional or Temporary Certificate of Inspection with Occupancy is issued. An application for a Certificate of Inspection may be modified to a Transfer of Title (without occupancy permitted), provided that a revised application is submitted within 30 days of the original application.

Certificate of Occupancy: A certificate issued by the construction officer or construction office indicating that any new construction, addition, remodel, renovation, demolition or other improvement has been completed, inspected and certified to comply with the New Jersey Uniform Construction Code.

PM 902.0 REQUIREMENTS

PM 902.1 When Required

A Certificate of Inspection must be obtained by the owner of real property prior to the sale, transfer, lease, rental or occupancy of any structure, dwelling unit, apartment, office, store, commercial or industrial buildings located within the Township of Neptune. The Certificate of Inspection shall certify that said property is in compliance with all of the provisions of the BOCA Basic Property Maintenance Code and all other applicable ordinances of the Township of Neptune.

PM 902.2 Certificate of Inspection

Prior to the sale, transfer, lease, rental or other conveyance of, or permission of use, property located in the Township of Neptune that has any structure dwelling unit, apartment, office, store, commercial or industrial building which is or will be occupied upon the sale, transfer, lease, rental or other conveyance of or permission to use such property, the Seller, Landlord and/or Buyer shall obtain a Certificate of Inspection or a Conditional or Temporary Certificate of Inspection as may be permitted herein. An application shall be filed in the form prescribed by the Code Enforcement Department, and shall be signed by the Seller/Landlord, Buyer/Tenant, or other designated agents.

1. A Certificate of Inspection shall be issued by the municipality upon the inspection by the code enforcement officer of that portion of the property to be occupied and any common area, exterior property, accessory structures or other improvement affecting the occupancy, provided such inspection finds that it complies with all of the provisions of the BOCA Basic Property Maintenance Code and all other applicable Ordinances of the Township of Neptune.

Inspections for Condominiums, Cooperative Units, Townhouses or similar single family housing units shall be limited to the specific unit only for purposes of issuing a Certificate of Inspection. If there are any violations in the common areas, notices for such violations shall be addressed to the Association, Incorporation or other owner and any interested party or agent, who shall then comply with the requirements set forth in the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, or be subject to fines, penalties and/or costs as permitted by the Ordinances of Township of Neptune.

2. A Conditional or Temporary Certificate of Inspection may be issued, in the discretion of the Code Officer, for buildings, units or structures which are not in full compliance with the provisions of the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, provided that the code deficiencies do not impair the habitability of the structure or impinge on the health, safety or general welfare of the owner-occupant. Prior to the issuance of a Conditional Certificate, the potential

owner-occupant(s) must provide the code officer with a notarized letter signed by all potential adult occupants, which specifically enumerates the deficiencies and states that the owner-occupant(s) accept the deficiencies and agree to correct such deficiencies within thirty (30) days of closing of title, subject to extensions as may be permitted under Section PM 902.6 herein.

For multi-family dwellings, the Code Officer, in their discretion, may issue a Conditional or Temporary Certificate of Inspection even if there are life safety violations in a particular apartment or unit, providing that the specific unit will not be occupied until the life safety violations have been corrected and a Certificate of Inspection issued, and such violations are not in the common areas and do not impair the habitability of the remaining apartments or units.

Inspections for Condominiums, Cooperative Units, Townhouses or similar single family housing units shall be limited to the specific unit only for purposes of issuing a Certificate of Inspection. If there are any violations in the common areas, notices for such violations shall be addressed to the Association, Incorporation or other owner and any interested party or agent, who shall then comply with the requirements set forth in the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, or be subject to fines, penalties and/or costs as permitted by the Ordinances of the Township of Neptune.

3. Certificate of Transfer of Title: Upon the sale or transfer of property located in the Township of Neptune that has any structure, dwelling unit, apartment, office, store, commercial or industrial building which is not occupied at the time of the inspection, and which will not be occupied upon the closing of title, the Seller or Purchaser, prior to the closing of title and transfer of deed, Assignment of Lease or other legal document, may obtain a Certificate of Transfer of Title or in lieu of a Certificate or Conditional Certificate of Inspection. The purchaser of such a building or structure shall not permit the building or structure to become occupied until the owner as it appears on the deed makes an application under this chapter for a Certificate of Inspection for owner occupancy or a sale issued by the code enforcement office or a Certificate of Occupancy issued by the construction department, as may be applicable.

PM 902.3 Summer Seasonal Rentals

A Certificate of Inspection for Summer Seasonal Rentals shall be made once prior to the initial occupancy. A summer season begins May 23rd and ends on September 30th. A Summer Seasonal Update application shall be submitted with the applicable fee for each change of occupants during the summer season and shall be submitted prior to the occupancy of those occupants. The application shall include the names of all occupants and shall include the beginning and ending dates of that occupancy. The update fee is as established herein.

PM 902.4 Change of Occupant

Within the first 10 days from the date of inspection an owner or agent may change the names of the occupants, as long as the property has not been occupied. There shall be a charge for this change. In the event of changes or additions after 10 days from the date of inspection, a new application shall be required

PM 902.5 Special/Emergency Inspections

Inspections may be requested or required to be made during non-regular business hours (hours in which the Code Enforcement Department is closed) at an additional fee as described in Section PM 903.0 FEES.

PM 902.6 Conditional or Temporary Certificate of Inspection; Expiration

The Code Officer may, in their discretion, issue a Conditional or Temporary Certificate of Inspection upon written notarized application by the occupant(s) in accordance with Section PM 902.2. Any conditional or temporary Certificate of Inspection issued pursuant to the terms of this Ordinance shall expire within thirty (30) days of the

date of issuance thereof. Conditional or Temporary Certificates of Inspection are renewable with an additional notarized letter conforming to the requirements of Section PM 902.2 and approvable by the code official, in their discretion. The Code Officer may only issue a Conditional or Temporary Certificate of Inspection for any property where the Purchaser or Owner and their immediate family will be the only occupant.

PM 903.0 FEES

PM 903.1 Payment

All fees are payable to the Township of Neptune. All fees are non-refundable and non-transferable. Applications shall be considered incomplete and shall not be processed until all required fees are paid in full. Incomplete applications not processed within 15 days of receipt shall become void.

PM 903.2 Fees for Initial Certificate of Inspection; Conditional or Temporary Certificate of Inspection; Change of Occupants for Summer Seasonal Rental or Transfer of Title

1. For applications for a Certificate of Inspection; Conditional or Temporary Certificate of Inspection, Summer Seasonal Rental or Transfer of Title, the fees shall be as follows:
 - (a) If the application is received 5 or more business days prior to the anticipated closing date, occupancy date or requested inspection date:

Commercial Uses, Detached Single-Family Dwellings, Townhouses, Condominiums, Structures with 2 or more Dwellings, or non-residential units	\$150.00 per structure, plus \$75.00 for each additional unit within the same structure and to be inspected on the same date at the same time.
Change of Tenant (per Section 902.4)	\$25.00
Hotels/Motels/Rooming and Boarding Houses, Schools/Day Care Facilities, Nursing Homes and Health Care Centers	\$150.00 per structure, plus \$25.00 per room, rooming unit or office to be inspected on the same date at the same time.
Transfer of Title	\$85.00

Summer Seasonal Rental Fees for initial Certificate of Inspection shall be in accordance with the fees of this section

Summer Seasonal updates	\$25.00 for each occupancy change
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- (b) If the application is received five (5) or less business days prior to the anticipated closing date, occupancy date or requested inspection date, the fees under paragraph 1(a) above, shall be increased by \$50.00 for each required inspection.

PM 903.3 Reinspection

1. Reinspections shall be limited to violations set forth in the prior inspection report and any additional life safety, habitability or statutorily mandated violations inspections that may be evident or mandatory at the time of the reinspection. If the prior violations are not corrected, or life safety, habitability or statutorily mandated code requirements are evident, the Code Officer shall note the violations on the inspection form and fail the inspection. The applicant would be required to complete the repairs and apply for another reinspection. All reinspections must be performed within 30 days of the original inspection date. Inspections not completed within the 30 days will be considered void and require a new application and fee to be submitted. A 30 day extension may be granted by the code enforcement officer upon receipt of a written request.

Reinspection fees: A reinspection fee shall be paid for each and every time a code officer is scheduled to reinspect a property to determine whether cited violations have been corrected. A Reinspection shall be required prior to the issuance of a Certificate of Inspection after a Conditional or Temporary Certificate of Inspection was issued.

The fees for each reinspection shall be as follows:

Commercial Uses, Detached Single Family Dwellings, Townhouses, Condominiums, Structures with 2 or more Dwellings or non-residential units	\$50.00 per structure, plus \$35.00 for each additional unit within the same structure and to be inspected on the same date at the same time
Hotels/Motels/Rooming Boarding Houses, Schools/Day Care Facilities, Nursing Homes and Healthcare Centers	\$50.00 plus \$25.00 per room, rooming unit or office to be reinspected on the same date at the same time
Transfer of Title	\$25.00

PM 903.4 Fees for inspections during non-business hours are in addition to the regular applications fees as described in PM 903.2 and PM 903.3

Minimum fee	\$150.00 up to two hours
Each hour in excess of 2 hours (Any fraction of an hour shall be considered one hour)	\$100.00 per hour

PM 904.0 AUTOMATED TRASH/RECYCLING CONTAINERS

PM 904.1 Requirements

The Certificate of Inspection requirements shall include a provision that the applicant for a Certificate of Inspection shall be responsible to ensure that at least one automated trash container and one automated recycling container for each housing unit will remain with the property. The Code Enforcement Department Certificate of Inspection

checklist shall include verification that at least one trash container and one recycling container exist for each dwelling unit.

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-21

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON MAIN AVENUE AND HECK AVENUE

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Main Avenue	1	North side of Main Avenue beginning 91 feet east of the northeast intersection of Main Avenue and Pennsylvania Avenue
Main Avenue	1	North side of Main Avenue beginning 45 feet east of the northeast intersection of Main Avenue and New Jersey Avenue
Heck Avenue	1	South side of Heck Avenue beginning 25 feet west of the southwest intersection of Heck Avenue and Pennsylvania Avenue

SECTION 2

This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-22

AN ORDINANCE REPEALING ORDINANCE NO. 08-33 ADOPTING A REDEVELOPMENT PLAN FOR THE ROUTE 35 AND WEST BANGS AVENUE AREA (CURRENTLY DESIGNATED ON THE TAX MAP AS BLOCK 808, LOTS 5, 6, 7 and 8 AND FORMERLY DESIGNATED ON THE TAX MAP AS BLOCK 249, LOTS 1, 4, 5, 6, AND 10.1; AND BLOCK 250, LOTS 1.01 and 3) LOCATED IN THE TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Act"), authorizes the governing body to adopt by ordinance redevelopment plans for areas in need of redevelopment or rehabilitation; and

WHEREAS, on May 29, 2007, the Township Committee adopted Resolution No. 07-276 which designated the Route 35 and West Bangs Avenue area, currently designated on the Tax Map of the Township of Neptune as Block 808, Lots 5, 6, 7 and 8 and formerly designated on the Tax Map of the Township of Neptune as Block 249, Lots 1, 4, 5, 6 and 10.1 and Block 250, Lots 1.01 and 3 (referred to as the "Property"), as an area in need of redevelopment; and

WHEREAS, on September 22, 2008, the Township Committee adopted Ordinance No. 08-33 establishing a superseding Redevelopment Plan for the Route 35 and West Bangs Avenue Area (the "Redevelopment Plan"), which area is comprised of the Property, and which Redevelopment Plan permitted the Township to utilize any of its powers under the Act in order to achieve its goals under the Redevelopment Plan; and

WHEREAS, on September 14, 2020, the Township Committee adopted Ordinance No. 20-26 amending Section 404.1 of the Township's Land Development Ordinance by amending the permitted, conditional and accessory uses in the B-1 Town Commercial Zone (the "Zoning") which zoning would otherwise apply to the Property but for the Redevelopment Plan; and

WHEREAS, N.J.S.A. 40:48-2 and N.J.S.A. 40A:12A-22 authorize the governing body to repeal ordinances as it may deem necessary and proper for the good government, order and protection of persons and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Township Committee has determined that the application of the Zoning to the Property is in the best interest of the Township and thus, the Redevelopment Plan is no longer necessary.

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, that:

SECTION 1.

1. The Township Committee has considered the overall land use and planning goals of the Township and has determined that the application of the Zoning to the Property is in the best interest of the Township.

2. Ordinance No. 08-33 adopting a superseding Redevelopment Plan for the Route 35 and West Bangs Avenue Area shall be and is hereby repealed in its entirety.
3. The Property shall henceforth be subject to the existing Zoning requirements for the area, as provided by applicable law.

SECTION 2.

If any subsection, paragraph or provision of this ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions of this Ordinance.

SECTION 3.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4.

This ordinance shall take effect following adoption and approval in accordance with applicable law and shall be published as required by law.

APPROVED ON FIRST READING:

ADOPTED ON SECOND READING:

ATTEST:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-23

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3 hereof, there is hereby appropriated the sum of \$200,000, said sum being inclusive of a down payment in the amount of \$10,000 (the "Down Payment") for said improvement required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), which Down Payment is now available from the General Capital Improvement Fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$200,000 appropriation not provided for by application hereunder of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$190,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$190,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is improvements to various parks within the Township, including but not limited to, ballfield improvements, construction and reconstruction at Jumping Brook Park, Bert Willis Fields, Loffredo Field and Sunshine Village Park, the acquisition and installation of a playground and parks equipment at Bradley Park, and the development of South Riverside Park, and all other related improvements, engineering and design work, consulting, preparation of plans and specifications, construction planning, surveying, permits, bid documents, construction inspection and contract administration, equipment rental and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the Office of the Township Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$190,000.

(c) The estimated cost of said improvement or purpose is \$200,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Down Payment in the amount of \$10,000 available for such improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Township may lawfully undertake as a general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed

duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$190,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$40,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township, which are authorized herein, and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-24

BOND ORDINANCE PROVIDING FOR ROADWAY RECONSTRUCTION AND DRAINAGE IMPROVEMENTS TO MYRTLE AVENUE, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$400,000 THEREFOR (INCLUDING \$226,803 NJDOT TRANSPORTATION TRUST FUND GRANT) AND AUTHORIZING THE ISSUANCE OF \$173,197 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3 hereof, there is hereby appropriated the sum of \$400,000, including \$226,803 in a State of New Jersey Department of Transportation – Transportation Trust Fund Grant (the "Grant"). No down payment for said improvements is required pursuant to Section 40A:2-11c of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law").

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$400,000 appropriation not provided for by application hereunder of the Grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$173,197 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$173,197 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is for roadway reconstruction and drainage improvements to Myrtle Avenue in the Township, as further described in the Myrtle Avenue Roadway Reconstruction Project documents on file with the Township Engineer, and all other related improvements including, but not limited to, as applicable, engineering and design work, consulting, preparation of plans and specifications, construction planning, surveying, permits, bid documents, construction inspection and contract administration, equipment rental and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the Office of the Township Engineer and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$173,197.

(c) The estimated cost of said improvement or purpose is \$400,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$226,803 available for such improvement or purpose.

SECTION 4. Other than the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. Other than the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Township may lawfully undertake as a general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$173,197 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township, which are authorized herein, and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for

any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

RESOLUTION #21-186 – 5/10/21

ADOPT 2021 TOWNSHIP OF NEPTUNE MUNICIPAL BUDGET

BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$31,785,009.24 for municipal purposes; and, \$1,468,004.29 for the minimum library levy:

General Revenues

Surplus Anticipated	3,303,000.00
Miscellaneous Revenues Anticipated	9,667,792.34
Receipts from Delinquent Taxes	974,258.48
Local Tax for Municipal Purposes	31,785,009.24
Local Tax for Minimum Library Levy	1,468,004.29
Total Revenues	47,198,064.35

General Appropriations

Within "CAPS"	
Operations including contingent	32,108,700.00
Deferred Charges and Statutory Expenditures	4,717,150.00
Excluded from "CAPS"	
Operations	2,993,714.35
Capital Improvements	300,000.00
Municipal Debt Service	4,678,500.00
Reserve for Uncollected Taxes	2,400,000.00
Total General Appropriations	47,198,064.35

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 10, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-187 – 5/10/21

AUTHORIZE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF
MONMOUTH FOR PROPERTY ASSESSMENT COMPUTER SYSTEM SERVICES

WHEREAS, the State of New Jersey has mandated the use of the MODIV Property Assessment Computer System for all New Jersey Municipalities; and,

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth, in conjunction with the County Board of Taxation, is offering the County's MOD IV Property Assessment Computer System services to the municipalities; and,

WHEREAS, on November 28, 2011, the Township Committee adopted Resolution #11-459 which authorized the execution of a Shared Services Agreement with the County of Monmouth for this system for a ten (10) year period expiring December 31, 2021; and,

WHEREAS, a Shared Services Agreement has been proposed to continue this service, pursuant to N.J.S.A. 40A:65-1 et seq.; and,

WHEREAS, it is in the best interest of the Township of Neptune to enter into such an Agreement;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the agreement entitled, "Agreement Between the County of Monmouth and the Township of Neptune for MODIV Property Assessment Computer Services", a copy of which is on file in the Office of the Municipal Clerk, be and is hereby approved for a ten year term from January 1, 2022 through December 31, 2031; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and are hereby authorized and directed to execute said contract agreement; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the County of Monmouth with copies of the executed agreement; the Tax Assessor, Business Administrator and Chief Financial Officer.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 10, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-188 – 5/10/21

AUTHORIZE THE REFUND OF A SUMMER DOCKAGE FEE

WHEREAS, Jason Smith made payment to the Municipal Marina for a 2021 summer dockage fee; and,

WHEREAS, due to the configuration of the slip and tidal concerns, Mr. Smith is unable to use the assigned boat slip; and,

WHEREAS, the Harbor Master recommends that a refund be authorized to Mr. Smith,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and is hereby authorized to refund a summer dockage fee in the amount of \$2,356.00 as stated herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Harbor Master, Deputy Tax Collector, Assistant Purchasing Agent and Auditor.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 10, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-189 - 5/10/21

EMPLOY PART-TIME TEMPORARY TOURISM REPRESENTATIVES
FOR THE 2021 SUMMER SEASON

WHEREAS, there is a need to employ four part-time temporary Tourism Representatives to operate the Tourism Bureau for the 2021 Summer Season; and,

WHEREAS, three of the representatives who worked in 2020 have expressed an interest to return to work in this capacity; and,

WHEREAS, based on the amount of funds expended in prior years for these services, it is estimated that the total 2021 appropriation for this purpose will be \$14,000.00. Funds will be provided in the 2021 Municipal Budget, in the appropriation entitled Publicity & Tourism S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Carol Bernard, Danielle Daly and Jacqueline Lyon be and are hereby employed as part-time temporary Tourism Representatives in the Tourism Bureau not to exceed an average of 25 hours per week per employee or an average of 40 hours per week in total staffing beginning April 15, 2021, and ending October 15, 2021, at an hourly rate of \$16.72; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tourism Bureau, Chief Financial Officer, Assistant C.F.O., and Human Resources Director.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 10, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-190 - 5/10/21

RESOLUTION OF NEED DETERMINATION BY THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF NEPTUNE PERTAINING TO THE DEVELOPMENT OF
1130 HECK AVENUE SITE BY THE NEPTUNE TOWNSHIP HOUSING AUTHORITY

WHEREAS, the Housing Authority of the Township of Neptune through an affiliated entity (hereinafter referred to as the "Sponsor") proposes to demolish an existing affordable housing facility and construct or cause the construction of a new 70 unit (+/-) affordable housing project (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Township of Neptune (hereinafter referred to as the "Municipality") on a site described as a portion of Lot 1, Block 304 as shown on the Official Assessment Map of the Township of Neptune, Monmouth County and commonly known as 1130 Heck Avenue, Neptune, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality is required to make a determination that there is a need for this Project in the Municipality.

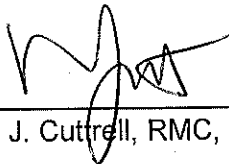
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune (the "Township Committee") (not less than a majority of the full membership thereof affirmatively concurring) that:

- (1) The Township Committee finds and determines that the above referenced Project proposed by the Sponsor meets or will meet an existing housing need within the Municipality; and
- (2) Through the adoption of this Resolution, the Township Committee hereby makes the determinations and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for NJHMFA funding to finance the Project; and
- (3) The Mayor, Business Administrator, Township Clerk or any other designated Township official is hereby authorized and directed to execute and deliver any certificate or document and take such other and further actions necessary to effectuate the purposes of this Resolution; and
- (4) This Resolution shall take effect immediately upon adoption.

CERTIFICATION

The foregoing resolution entitled "**RESOLUTION OF NEED DETERMINATION BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE PERTAINING TO THE DEVELOPMENT OF 1130 HECK AVENUE SITE BY THE HOUSING AUTHORITY OF THE TOWNSHIP OF NEPTUNE**" was duly adopted on May 10, 2021 at a meeting of the Council of the Township of Neptune, in the County of Monmouth, State of New Jersey duly called and held in accordance with the Open Public Meetings Act and at which a quorum was present and acting throughout and such resolution has not been amended, supplemented or repealed but remains in full force and effect on the date hereof, and said foregoing resolution is a true, complete and correct copy thereof.

Dated: May 10, 2021



Richard J. Cuttrell, RMC, Municipal Clerk

RESOLUTION #21-191 - 5/10/21

RECLASSIFY EMPLOYEE TO THE POSITION OF ROADS
SUPERVISOR IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, there is a vacancy in the position of Roads Supervisor in the Department of Public Works; and,

WHEREAS, the position was duly posted; and,

WHEREAS, the Human Resources Director and the Business Administrator have made a recommendation to reclassify an existing employee to said position; and,

WHEREAS, funds will be provided in the 2021 Municipal Budget in the appropriation entitled Streets & Roads Maintenance S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Joseph Leone be and is hereby reclassified to the position of Roads Supervisor in the Department of Public Works at an annual salary of \$80,000.00 effective May 11, 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Public Works Director, Chief Financial Officer, Assistant C.F.O., AFSCME Local #2792 and the Department and Division Heads Association.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 10, 2021



Richard J. Cuttrell, Municipal Clerk

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RESOLUTION #21-192 - 5/10/21

RECLASSIFY EMPLOYEE TO THE POSITION OF PARKS/QUALITY OF LIFE
FOREMAN IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, there is a vacancy in the position of Parks and Roads Foreman in the Department of Public Works; and,

WHEREAS, the position was duly posted; and,

WHEREAS, the Human Resources Director, Public Works Director, and Business Administrator have made a recommendation to reclassify an existing employee to said position; and,

WHEREAS, funds will be provided in the 2021 Municipal Budget in the appropriation entitled Street & Road Maintenance S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Albert A. Fritz, Jr. be and is hereby reclassified to the position of Parks/Quality of Life Foreman in the Department of Public Works at an annual salary of \$68,000.00 effective May 11, 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Public Works Director, Chief Financial Officer, Assistant C.F.O., and AFSCME Local #2792.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 10, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-193 - 5/10/21

AWARD BID FOR FLEET MANAGEMENT AND MAINTENANCE

WHEREAS, on May 5, 2021, the Purchasing Agent received bids for the award of a contract for fleet management and maintenance; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by Centerra Integrated Services, LLC; and,

WHEREAS, said bids were advertised, received and awarded in a "fair and open" competitive bidding process in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in the 2021 municipal budget, and in succeeding years budgets, in the appropriation entitled Vehicle Maintenance O.E., and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Centerra Integrated Services, LLC from July 1, 2021 to June 30, 2024 to provide fleet management and maintenance on their lowest responsible bid as follows:

July 1, 2021 thru June 30, 2022 - \$841,667.70

July 1, 2022 thru June 30, 2023 - \$853,568.28

July 1, 2023 thru June 30, 2024 - \$863,990.01

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., and Public Works Director.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 10, 2021



Richard J. Cuttrell, Municipal Clerk

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RESOLUTION #21-194 – 5/10/21

AUTHORIZE APPEAL OF TAX COURT OF NEW JERSEY'S DECISION ON OCEAN GROVE
CAMP MEETING ASSOCIATION OF THE UNITED METHODIST CHURCH
V. TOWNSHIP OF NEPTUNE, DOCKET NO. 013693-2017

WHEREAS, the original tax appeal was brought by the Plaintiff, Ocean Grove Camp Meeting Association of the United Methodist Church against Neptune Township, due to the fact that the Tax Assessor of Neptune Township, Bernard C. Haney, had removed an exemption to the property located at Block 111, Lot 9, known as Grove Hall; and

WHEREAS, this matter was subject to a Motion for Summary Judgment by the Defendant; filed by the Municipal Attorney, Gene J. Anthony, Esq., and a Cross Motion for Summary Judgment by the Plaintiff; resulting in an Order and Final Judgment under R 4:42-2 granting the Plaintiff its Cross Motion for Summary Judgment on April 19, 2021; but denying Neptune Township's Motion for Summary Judgment; and

WHEREAS, the Tax Assessor desires to seek an appeal of this decision based on judicial error and Defendant feels strongly that Grove Hall should not be an exempt property,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., to file a Notice of Appeal with regard to the Order and Final Judgment of April 19, 2021, entered by the Hon. Mala Sundar, J.T.C., and that such an appeal shall be taken to the Superior Court of New Jersey, Appellate Division, for appropriate review; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Assessor, Township Attorney, Chief Financial Officer, and Assistant C.F.O.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 10, 2021



Richard J. Cuttrel, Municipal Clerk

RESOLUTION #21-195 – 5/10/21

AUTHORIZE THE PAYMENT OF BILLS

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

CURRENT FUND	714,816.15
GRANT FUND	18,378.00
TRUST FUND	112,137.70
GENERAL CAPITAL FUND	37,008.00
SEWER OPERATING FUND	26,175.54
SEWER CAPITAL FUND	285,437.24
MARINA OPERATING FUND	8,762.83
MARINA CAPITAL FUND	500.00
PUBLIC ASSISTANCE TRUST	600.00
LIBRARY TRUST	200.00
BILL LIST TOTAL	\$1,204,015.46

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Assistant C.F.O.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 10, 2021



Richard J. Cuttrell, Municipal Clerk