

NOTICE
ORDINANCE NO. 13-43
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 9th day of December, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 23rd day of December, 2013, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 13-43

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-21 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY REMOVING A HANDICAPPED PARKING ZONE ON BEACH 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 7-21.2 - Handicapped Parking Spaces on Public Roads - Locations Designated, is hereby amended by *deleting* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Beach Avenue	1	West side of Beach Avenue beginning 125 feet north of the northwest intersection of Beach Avenue and Seaview Avenue

SECTION 2

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

Richard J. Cuttrel, Jr.,
Municipal Clerk

NOTICE
ORDINANCE NO. 13-44
Township of Neptune

County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 9th day of December, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 23rd day of December, 2013, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 13-44

AN ORDINANCE VACATING DEDICATED BUT UNIMPROVED
STREETS IN THE TOWNSHIP OF NEPTUNE KNOWN AS A
PORTION OF HIGHLAND AVENUE AND MAGNOLIA STREET

WHEREAS, there exists two certain municipal right-of-ways within the Township of Neptune in the form of a paper street known as a portion of Highland Avenue and Magnolia Street, on the Neptune Township Tax Map, in the Township of Neptune, County of Monmouth, State of New Jersey; and,

WHEREAS, the Township Committee of the Township of Neptune is of the opinion that the portion of said paper streets are no longer needed for any municipal purpose; and,

WHEREAS, the Township Committee believes that the interests of the Township of Neptune would be best served by vacating and extinguishing all public rights and interests in said paper streets,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey, as follows:

SECTION 1.

Pursuant to N.J.S.A. 40:67-1, et seq., the Township of Neptune hereby vacates, extinguishes, releases and abandons all public rights and interests in and to the municipal right-of-ways as described as follows:

Beginning at a point, said point being the intersection of the southerly right-of-way line of Highland Avenue (50' R.O.W.) and the westerly right-of-way line of Sycamore Street (50' R.O.W.); and running thence;

1. Southwesterly along said southerly right-of-way line of Highland Avenue (50' R.O.W., unimproved) on a course of S 76° 13' 00" W, a distance of 450.00' to a point in the easterly right-of-way line of Magnolia Street extended (50' R.O.W., unimproved), and

running thence;

2. Southeasterly along said southerly right-of-way line of Magnolia Street extended, on a course of S 13° 47' 00" E, a distance of 30.98' to a point in the northerly right-of-way line of N.J. State Highway 33 (80; R.O.W.), and running thence;
3. Northwesterly along said northerly right-of-way line of N.J. State Highway 33 on a course of N 72° 35' 53" W, a distance of 156.98' to a point in the northerly right-of-way line of Highland Avenue, and running thence;
4. Northeasterly along said northerly right-of-way line of Highland Avenue on a course of N 76° 13' 00" E, a distance of 583.78' to a point, said point being the extension of the westerly right-of-way line of Sycamore Street, and running thence;
5. Southeasterly on a course of S 13° 47' 00" E, a distance of 50.00' to a point in the northerly right-of-way line of Highland Avenue, said point being the point and PLACE OF BEGINNING.

Containing 27,917 square feet of 0.641 acre

SECTION 2

The provisions of this Ordinance shall not be deemed to vacate any rights and privileges which may be possessed by the Township of Neptune, any public utility company (as defined as N.J.S.A. 48:2-13), or by any cable television company (as defined in N.J.S.A. 48:5A-1, et seq.), to maintain, repair and replace any existing facilities in, adjacent to, over or under the said vacated area.

SECTION 3

This street vacation is subject to any other covenants, restrictions and easements of record, if any, except those that have expired by their own limitations.

SECTION 4

This Ordinance shall take effect immediately upon passage and publication in accordance with the law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 13-45
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 9th day of December, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 23rd day of December, 2013, at the

Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 13-45

AN ORDINANCE CREATING AND SETTING THE SALARY RANGE FOR NEW JOB TITLES AND AMENDING THE SALARY RANGES FOR ALL OTHER EXISTING JOB TITLES OF THE TOWNSHIP OF NEPTUNE AND REPEALING ALL PARTS OF PREVIOUS ORDINANCES INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, as follows:

SECTION 1. The job title of Parks Inspector is hereby established and the salary range for said title is established in the table in Section 3.

SECTION 2. The existing job titles of Cashier-Bookkeeper, NPP Coordinator, Operator/ Receptionist and Rooming and Boarding Secretary are hereby eliminated.

SECTION 3. The salary ranges for all existing job titles in the Township of Neptune are hereby amended and established as follows:

<u>Title</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
Accountant	\$ 28,000.00	\$ 63,000.00
Administrative Assistant	\$ 35,000.00	\$ 73,000.00
Administrative Officer to Planning Board	\$ 33,000.00	\$ 50,000.00
Administrative Officer to Zoning Board	\$ 33,000.00	\$ 57,000.00
Affirmative Action Officer (Public Agency Compliance Officer)	\$ 1,000.00	\$ 2,500.00
Assessing Clerk	\$ 23,000.00	\$ 38,000.00
Assessing/Land Use Inspector	\$ 28,000.00	\$ 37,000.00
Assessment Search Officer	\$ 1,500.00	\$ 3,000.00
Assessor	\$ 65,000.00	\$ 111,000.00
Assistant Assessor	\$ 28,000.00	\$ 45,000.00
Assistant Engineer	\$ 40,000.00	\$ 60,000.00
Assistant CFO	\$ 14,000.00	\$ 25,000.00
Assistant Construction Official	\$ 65,000.00	\$ 85,000.00
Assistant Land Use Admin/Zoning Officer	\$ 49,000.00	\$ 62,000.00
Assistant Mercantile License Officer	\$ 1,500.00	\$ 2,500.00
Assistant Purchasing Agent	\$ 33,000.00	\$ 64,000.00
Assistant Zoning Officer	\$ 3,000.00	\$ 5,000.00

Asst. Economic Development Coordinator	\$	3,500.00	\$	7,500.00
Asst. Public Works Director	\$	60,000.00	\$	89,000.00
Bi-Lingual Translator	\$	100.00	\$	750.00
Black Seal License	\$	500.00	\$	1,000.00
Board of Health Secretary	\$	500.00	\$	1,500.00
Bookkeeper	\$	25,000.00	\$	49,000.00
Building Inspector	\$	30,000.00	\$	60,000.00
Building Maintenance Night Supervisor	\$	30,000.00	\$	54,000.00
Building Sub-Code Official	\$	45,000.00	\$	82,000.00
Business Administrator	\$	20,000.00	\$	175,000.00
Captain of Police	\$	102,000.00	\$	138,000.00
Chief Financial Officer	\$	20,000.00	\$	175,000.00
Chief of Police	\$	130,000.00	\$	168,000.00
Code Enforcement Supervisor	\$	55,000.00	\$	76,000.00
Code/Construction Inspector	\$	28,000.00	\$	64,000.00
Communications Operator	\$	26,000.00	\$	65,000.00
Community Programs Coordinator	\$	47,000.00	\$	59,000.00
Construction Official	\$	70,000.00	\$	120,000.00
Custodian	\$	24,000.00	\$	52,000.00
Customer Service Representative	\$	23,000.00	\$	40,000.00
Departmental Secretary	\$	30,000.00	\$	62,000.00
Deputy Chief of Police	\$	120,000.00	\$	150,000.00
Deputy Court Administrator	\$	29,000.00	\$	52,000.00
Deputy Emergency Management Coordinator	\$	3,000.00	\$	7,500.00
Deputy Municipal Clerk	\$	45,000.00	\$	72,000.00
Deputy Registrar of Vital Statistics	\$	24,000.00	\$	38,000.00
Deputy Senior Center Director	\$	30,000.00	\$	52,000.00
Deputy Sewer Collector	\$	5,000.00	\$	10,000.00
Deputy Tax Assessor	\$	49,000.00	\$	60,000.00
Deputy Tax Collector	\$	47,000.00	\$	75,000.00
Detective	\$	1,000.00	\$	2,500.00
Director of Code and Construction	\$	10,000.00	\$	15,000.00
Director of Engineering and Planning	\$	80,000.00	\$	125,000.00
Driver	\$	28,000.00	\$	70,000.00
Economic Development Administrative Assistant	\$	2,000.00	\$	5,000.00
Economic Development Coordinator	\$	5,000.00	\$	35,000.00
Economic Development Secretary	\$	3,500.00	\$	6,000.00
Elections Clerk	\$	6,000.00	\$	9,000.00
Electrical Inspector	\$	30,000.00	\$	50,000.00
Electrical Sub-Code Official	\$	45,000.00	\$	75,000.00
Emergency Management Coordinator	\$	4,000.00	\$	7,500.00
Emergency Management Secretary	\$	2,000.00	\$	6,000.00
Engineer	\$	50,000.00	\$	70,000.00
Engineer Technician	\$	50,000.00	\$	75,000.00
Environmental / Shade Tree Secretary	\$	1,000.00	\$	3,000.00
Finance Dept. Secretary	\$	3,500.00	\$	10,000.00
Foreman	\$	45,000.00	\$	73,000.00
Grant Coordinator	\$	28,000.00	\$	48,000.00

Harbor Commission Secretary	\$	1,000.00	\$	2,500.00
Harbor Master	\$	35,000.00	\$	49,000.00
Health Benefits Opt-Out	\$	2,500.00	\$	4,000.00
Heavy Equipment Operator	\$	29,000.00	\$	65,000.00
Historic Preservation Comm. Secretary	\$	2,500.00	\$	7,000.00
Interlocal Agreement – Asst. Tax Assessor	\$	5,000.00	\$	12,000.00
Interlocal Agreement – Tax Assessor	\$	10,000.00	\$	25,000.00
Laborer	\$	25,000.00	\$	64,000.00
Land Use Administrator	\$	4,000.00	\$	8,000.00
Lead Communications Operator	\$	28,000.00	\$	50,000.00
Lieutenant of Police	\$	94,000.00	\$	127,000.00
M.I.S. Specialist	\$	35,000.00	\$	75,000.00
Marina Supervisor	\$	5,000.00	\$	10,000.00
Matron	\$	500.00	\$	1,500.00
Mayor	\$	7,000.00	\$	9,200.00
Medical Director	\$	2,000.00	\$	3,000.00
Mercantile License Officer	\$	2,000.00	\$	6,000.00
Municipal Alliance Coordinator	\$	7,500.00	\$	13,000.00
Municipal Clerk	\$	70,000.00	\$	114,000.00
Municipal Court Administrator	\$	46,000.00	\$	75,000.00
Municipal Court Judge	\$	48,000.00	\$	62,000.00
Municipal Prosecutor	\$	16,000.00	\$	45,000.00
OEM Haz-Mat / Deputy Coordinator	\$	2,000.00	\$	5,000.00
Outreach Coordinator	\$	28,000.00	\$	40,000.00
Outreach Worker	\$	27,000.00	\$	38,000.00
Parks Inspector	\$	1,000.00	\$	1,500.00
Patrolman	\$	36,000.00	\$	108,000.00
Pesticide License	\$	500.00	\$	1,500.00
Plumbing Sub-Code Official	\$	45,000.00	\$	90,000.00
Police Director	\$	60,000.00	\$	120,000.00
Police Information System Manager	\$	40,000.00	\$	74,000.00
Principal Assessing Clerk	\$	20,000.00	\$	38,000.00
Public Defender	\$	18,000.00	\$	22,000.00
Public Works Director	\$	72,000.00	\$	117,000.00
Public Works Supervisor	\$	55,000.00	\$	90,000.00
Purchasing Agent	\$	52,000.00	\$	87,000.00
Records Clerk	\$	28,000.00	\$	38,000.00
Recreation Coordinator (Recreation Dept)	\$	30,000.00	\$	60,000.00
Recreation Coordinator (Sr Ctr)	\$	20,000.00	\$	38,000.00
Recreation Director	\$	50,000.00	\$	80,000.00
Recycling Coordinator	\$	500.00	\$	1,500.00
Registrar of Vital Statistics	\$	35,000.00	\$	61,000.00
Rent Leveling Board Secretary	\$	2,500.00	\$	3,500.00
Secondary Sewer Operators License	\$	2,500.00	\$	4,000.00
Senior Center Bus Driver	\$	25,000.00	\$	36,000.00
Senior Center Director	\$	60,000.00	\$	97,000.00
Senior Clerk/Typist	\$	19,000.00	\$	42,000.00
Senior Kitchen Aid	\$	21,000.00	\$	31,000.00

Senior Programs Representative	\$	27,000.00	\$	45,000.00
Senior Violations Clerk	\$	24,000.00	\$	43,000.00
Sergeant of Police	\$	86,000.00	\$	118,000.00
Sewer Collector	\$	10,000.00	\$	25,000.00
Sewer Operators License	\$	5,000.00	\$	7,000.00
Special Projects Coordinator	\$	30,000.00	\$	70,000.00
Superintendent of Buildings	\$	55,000.00	\$	80,000.00
Tax Collector	\$	70,000.00	\$	135,000.00
Tax Search Officer	\$	1,500.00	\$	3,000.00
Taxi License Coordinator	\$	1,500.00	\$	3,000.00
Technical Asst. to the Construction Official	\$	28,000.00	\$	43,000.00
Tool Crib Attendant	\$	25,000.00	\$	66,000.00
Township Committee Member	\$	4,000.00	\$	8,000.00
Transportation Coordinator	\$	24,000.00	\$	38,000.00
Violations Clerk	\$	23,000.00	\$	35,000.00
Zoning Compliance Officer	\$	5,000.00	\$	45,000.00
<u>Hourly Positions</u>				
Assistant Engineer	\$	18.00	\$	25.00
Bus/Van Driver	\$	8.00	\$	18.00
Carpenter	\$	18.00	\$	25.00
Communications Operator	\$	22.00	\$	27.00
Construction Code Inspector	\$	25.00	\$	40.00
Court Security Officer	\$	10.00	\$	19.00
Crossing Guard	\$	9.00	\$	15.00
Custodian	\$	12.00	\$	20.00
Departmental Secretary	\$	14.00	\$	30.00
Fire Sub-Code Official	\$	25.00	\$	40.00
Investigator	\$	20.00	\$	30.00
Jailer	\$	10.00	\$	19.00
Kitchen Aid	\$	7.00	\$	12.00
Litter Control Attendant	\$	9.00	\$	12.00
Marina Attendant	\$	10.00	\$	15.00
Municipal Intern	\$	10.00	\$	12.00
Property Maintenance Worker	\$	12.00	\$	20.00
Public Service Officer	\$	14.00	\$	21.00
Recreation Attendant	\$	10.00	\$	15.00
Secretary	\$	10.00	\$	20.00
Special Law Enforcement Officer (Class I)	\$	10.00	\$	16.00
Special Law Enforcement Officer (Class II)	\$	12.00	\$	19.00
Supervising Special Law Enforcement Officer	\$	20.00	\$	22.00
Tourism Clerk	\$	10.00	\$	13.00
Tourism Director	\$	10.00	\$	15.00
Tourism Representative	\$	8.00	\$	14.00
Yard Attendant	\$	8.00	\$	16.00

SECTION 4. This ordinance shall become effective January 1, 2013.

SECTION 5. The salary for each position named above shall be established within the aforesaid

ranges by adoption of a contract with employees of AFSCME Local 1844, the Neptune Township Management and Department Heads Association, P.B.A. Local #74, F.O.P. Local #19 or by individual contract for employees not represented by a bargaining unit.

SECTION 6. That all ordinances or parts of ordinances of the Township of Neptune, including Ordinance No. 11-48 in its entirety, in conflict or inconsistent with this ordinance are hereby repealed.

Richard J. Cuttrel,
Municipal Clerk

NOTICE
ORDINANCE NO. 13-46
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 9th day of December, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 23rd day of December, 2013, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 13-46

ORDINANCE AUTHORIZING DEED OF DEDICATION AND AGREEMENT WITH NEPTUNE TOWNSHIP BOARD OF EDUCATION FOR BLOCK 344, LOTS 46-54 AND BLOCK 342 LOTS 11-18 AND 24

WHEREAS, the Township of Neptune owns property commonly known as property on Highland Avenue, Neptune Township, New Jersey 07753, a/k/a Block 344, Lots 46 – 54 on the Tax Map of the Township of Neptune, as well as on State Hwy. 33, Neptune Township, New Jersey 07753, a/k/a Block 342, Lots 11 – 18 and Lot 24, which is no longer needed for public use by the Township of Neptune, but would be of great value and use to the Neptune Township Board of Education; and

WHEREAS, it is desirous of the governing body of Neptune Township to transfer the aforesaid properties to the Board of Education for its educational use as connected to its school system pursuant to N.J.S.A. 40A:12-13(b)(1), which allows for private sale authorized by Ordinance to any political subdivision or board of the State of New Jersey and in accordance with N.J.S.A. 40A:12-19, which allows such conveyance for nominal consideration to Public Boards of Education; and

WHEREAS, the aforesaid transfer would be subject to the Neptune Township Board of Education allowing the Township of Neptune to retain use of a billboard on the subject property and enter into any leases necessary for the use and maintenance of such billboard at the Township's

sole cost and expense; and

WHEREAS, said transfer of title would be subject to a title search ordered by Neptune Township, but paid for by the Neptune Township Board of Education, with all documents for closing and transfer prepared by the Township Attorney with the Neptune Township Board of Education having the opportunity for review of said documents through independent legal counsel.

NOW THEREFORE BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey as follows:

SECTION 1

Pursuant to State Statute, N.J.S.A. 40A:12-13(b)(1) allowing the transfer of property from a municipality to another political subdivision or board of the State of New Jersey, and in accordance with N.J.S.A. 40A:12-19, which allows for conveyance of lands to Public Boards of Education for nominal consideration, the governing body hereby approves of the transfer of Township property located at Block 344, Lots 46 – 54, commonly known as Highland Avenue, Neptune Township, New Jersey 07753 and Block 342, Lots 11 – 18 and Lot 24 on the Tax Map of the Township of Neptune, commonly known as State Hwy. 33, Neptune Township, New Jersey 07753 to the Neptune Township Board of Education for consideration of One Dollar (\$1.00) and the Township shall retain use and maintenance of a billboard on the subject property and any leases arising thereof.

SECTION 2

The Township Attorney is hereby authorized to prepare an agreement between Neptune Township and the Neptune Township Board of Education concerning the use of the billboard on the subject property and its continued maintenance and care by Neptune Township, which shall be a subject of this transfer; authorizes the Township Attorney to order a title search of the subject property at the sole cost and expense of the Neptune Township Board of Education; authorizes the Township Attorney to prepare the Deed of Transfer and all other closing documents upon adoption of this Ordinance and authorizes the Mayor and Clerk of the Township of Neptune to execute the aforesaid Agreement and Deed of Transfer and any other closing documents on behalf of Neptune Township.

SECTION 3

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

Richard J. Cuttrel,
Municipal Clerk

NOTICE
ORDINANCE NO. 13-47
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the

Township of Neptune on the 9th day of December, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 23rd day of December, 2013, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO, 13-47

AN ORDINANCE TO AUTHORIZE INSTALLATION OF DARK FIBER-OPTIC CABLE AND OTHER TELECOMMUNICATIONS RELATED FACILITIES BY CROSS RIVER FIBER, INC., (“CROSS RIVER”) OVER THE PUBLIC RIGHTS-OF-WAY

WHEREAS, the general laws of the State of New Jersey grant the Township Committee the authority to review an application made by a certified local telephone exchange carrier to install dark fiber-optic cable that is designed to provide telecommunications services within the municipality; and

WHEREAS pursuant to N.J.S.A. 48:2-1 et seq., and S. 253 of the Federal Telecommunications Act of 1996, 47 U.S.C. S. 151 et seq. and by letter dated May 20, 2011, Cross River Fiber, Inc. filed a petition with the New Jersey Board of Public Utilities to provide both resold and facilities-based local exchange and interexchange telecommunication services throughout the State of New Jersey, and by Order of the Board of Public Utilities on July 14, 2011, received approval for telecommunications services; and

WHEREAS, Cross River Fiber, Inc., (“Cross River”), is a Delaware corporation qualified to do business in New Jersey with offices located at 382 Springfield Avenue, Suite 401, Summit, New Jersey 07901; and

WHEREAS, Cross River Fiber, Inc., is a certified local exchange carrier and is authorized to provide telecommunications services in the State of New Jersey under the authority granted to it by the New Jersey Board of Public Utilities; and

WHEREAS, Cross River Fiber, Inc. seeks consent from the Township Committee to place its telecommunications facilities aerially on existing utility poles or in underground conduits in the Public Rights-of-Way within the Township of Neptune for the purpose of owning, constructing, installing, operating, repairing and maintaining dark fiber-optic cable and telecommunications facilities; and

WHEREAS, the Township Committee is satisfied that it is in the public interest to promote competition in the telecommunications market within the municipality by providing this authorization to Cross River.

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey as follows:

1. Permission is hereby granted to Cross River Fiber, Inc. to install dark fiber-optic cable and other telecommunications related facilities in and over the public rights-of-way for the purpose of operating a telecommunications network within the municipality's public right-of-way as a non-exclusive use within the Township of Neptune.
2. Any and all expenses related to the installation of lines approved herein shall be borne by Cross River Fiber, Inc.
3. Cross River Fiber, Inc. shall be required, at its own expense, to obtain all necessary permits and approvals as required by applicable law and regulations.
4. Cross River Fiber, Inc. shall adhere to all applicable safety requirements related to the installation, operation, maintenance, and use of the telecommunications network within the municipality.
5. The permission granted herein shall be extended to Cross River Fiber, Inc., its successors, and/or assignees, for twenty-five years, and at the end of said term, Cross River Fiber, Inc., its successors and/or assignees, at its sole option, may choose to extend the permission granted herein for an additional twenty-five years.
6. Cross River Fiber, Inc., its successors and assigns shall defend, indemnify, and hold the municipality harmless from any and all liability for damage to property or injury directly resulting from the installation, operation, maintenance or use of the local lines authorized herein.
7. Cross River Fiber, Inc. shall maintain and keep in force and effect, at its sole cost and expense, and at all times during the term of this Ordinance, sufficient liability insurance naming the municipality as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amount of one million dollars (\$1,000,000.00) for bodily injury or death to any one person, and one million dollars (\$1,000,000.00) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of Cross River Fiber, Inc.'s exercise of its rights hereunder, and an excess liability policy (or "umbrella") in the amount of five million dollars (\$5,000,000.00). Cross River Fiber, Inc. shall produce a Certificate of Liability Insurance demonstrating coverage prior to commencement of installation and at any time thereafter requested by the Township, said certificate being reviewed and approved by the Township Attorney.
8. Cross River Fiber, Inc. shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, arising from the installation or maintenance of the telecommunications network authorized herein.
9. Cross River Fiber, Inc. shall provide the municipality at least sixty (60) days before any construction, installation, operation, repairing or maintenance of telecommunications systems, at its sole cost and expense, and a performance bond in the amount of twenty-five thousand dollars (\$25,000.00) to ensure faithful performance of its undertakings.
10. To the extent required by the generally applicable ordinances and regulations of the Township, Cross River Fiber, Inc. agrees to consult with the Neptune Township Police Department and the Township Administrator during installation with regards to the

standard procedures taken during installation as required by law and shall comply with said procedures.

11. During the installation of cable and facilities in the public rights-of-way, Cross River Fiber, Inc. shall take reasonable steps to avoid any impact on private property, landscaping or trees. To the extent required by the generally applicable laws and regulations of the Township, the Township Administrator and designated local agencies may review any installations that may cause disruption to private property and may require that any disruption to private property caused by such installation be restored at Cross River Fiber, Inc.'s sole cost and expense to at least as good a condition as existed before the installation, if not better.
12. Cross River Fiber, Inc. shall coordinate all of its work with the Neptune Township Police Department and establish a plan for traffic control and Traffic Advisory Committee review for safety before commencing any work or operations.
13. Upon adoption of this Ordinance, the Township of Neptune and Cross River Fiber, Inc. shall enter into a Rights-of-Way Use Agreement prepared and/or reviewed by the Township Attorney, which is consistent with this Ordinance.
14. Pursuant to N.J.S.A. 54:3A-124, the Township shall impose a reasonable fee for the services of its Township Attorney of Five Hundred Dollars (\$500.00).

Severability

Should any terms, provisions or a part of this Ordinance be found invalid, said provisions shall not affect any other of the terms.

Conflicts

All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed, limited to the extent of any such inconsistency.

Effect

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Richard J. Cuttrell,
Municipal Clerk