

TOWNSHIP COMMITTEE MEETING – NOVEMBER 6, 2013

Mayor Houghtaling called the meeting to order at 5:00 p.m. and requested the Clerk to call the roll. The following members were present: J. Randy Bishop, Kevin B. McMillan, and Mayor Eric J. Houghtaling. (Dr. Michael Brantley and Mary Beth Jahn arrived where indicated)

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Michael J. Bascom, Chief Financial Officer; and Gene Anthony, Township Attorney.

After a moment of Silent Prayer and the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

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

Mayor Houghtaling announced that the notice requirements of R.S. 10:4-18 for an "Annual Notice" have been satisfied by the publication of the required advertisement in the Asbury Park Press on January 4, 2013 and The Coaster on January 3, 2013, a revised notice published on October 24, 2013, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. McMillan, to approve the minutes of the meeting held on September 23rd. All were in favor.

PROCLAMATION

The Mayor proclaimed the month of November as Pancreatic Cancer Awareness Month in the Township of Neptune.

REPORT OF THE CLERK

The Clerk stated that the following reports and communications are on file in his office:

Tax Collector's monthly statements for July, August and September.

Senior Beacon for November.

COMMENTS FROM THE DAIS

Ms. Jahn arrived.

Mr. Bishop stated that he attended the Recreation Department, PTO and Shark River Hills First Aid Safe House Halloween parties. He also attended the Senior Center bingo game, Oktoberfest and monthly birthday parties at the Senior Center. He commended Dr. Brantley and Mr. McMillan for running for state elected office in a tough year. He thanked Danielle Daly and Alva Flores for running for Township Committee and added that anyone who runs for office deserves applause. He thanked his spouse Dan Margo for his support. He concluded that Eric Houghtaling is an incredible friend and running mate.

Ms. Jahn stated that Mr. McMillan and Dr. Brantley ran incredible campaigns. She congratulated Mr. Bishop and the Mayor and thanked the voters for exercising the privilege to vote. Many people in other countries wish they had the ability to vote. She concluded that it was an interesting election year because she was the only member of the Township Committee not running for office.

Mr. McMillan stated that he is proud of Mr. Bishop and the Mayor and thanked them for their efforts in his campaign. He stated that he learned a lot about himself through the process and has great respect for the three winning state legislators. He thanked his supporters and added that it is good to be home.

The Mayor stated that he attended various Halloween festivities. He attended the Meridian Health dinner where the Robin Hood foundation and Mayors of towns affected by Hurricane Sandy were honored. He attended a thank you event for the Ocean Grove Together Campaign recognizing that \$1.5 million has been raised for repairs to Camp Meeting facilities. He commended Dr. Brantley

and Mr. McMillan for their efforts in the election. Their campaigns for state office helped Mr. Bishop and he locally.

PUBLIC COMMENTS ON RESOLUTIONS

The Mayor requested public comments regarding resolutions presented on this agenda and they were as follows:

Dorothy Argyros, 2100 Rutherford Ave., asked why the Township purchased 129 Division Street. Mr. Bishop stated that the house is being foreclosed and the Township is looking at a long term project on Division Street to build 14 affordable homes with improvements to the roadway.

Dr. Brantley arrived.

Ms. Argyros asked what the \$14,000 is purchasing in regards to the resolution amending the budget to realize monies from the United States Department of Justice. Mr. Bascom responded that the money will purchase computers for the police cars.

ORDINANCE NO. 13-42 - APPROVED

Mr. Bishop offered the following ordinance, moved and seconded by Mr. McMillan, that it be approved:

ORDINANCE NO. 13-42

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XVI OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE SCHEDULE OF SEWER RENTAL RATES

The ordinance was approved on the following vote: Bishop, aye; Brantley, aye; Jahn, aye; McMillan, aye; and Houghtaling, aye.

Mr. Cuttrell stated that the Public Hearing on Ordinance No. 13-42 will be held on Monday, November 25, 2013.

CONSENT AGENDA

Mr. Bishop offered the following resolutions of the Consent Agenda, moved and seconded by Ms. Jahn, that they be adopted:

ACCEPT PERFORMANCE GUARANTEE FILED BY 1700 ROUTE 33, LLC FOR SITE IMPROVEMENTS AT FOODINI (HAWTHORNE AND CORLIES AVENUES)

WHEREAS, 1700 Route 33, LLC has filed a cash performance guarantee in the amount of \$6,000.00, guaranteeing site improvements at the proposed project known as Foodini located at Hawthorne and Corlies Avenues (Block 279, Lot 1); and,

WHEREAS, the required inspection fee escrow has also been posted; and,

WHEREAS, due to the minimal amount of work proposed, the Engineering Consultant has recommended a wavier of the Developer's Agreement; and,

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Performance Guarantee as stated above be and is hereby accepted; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Director of Engineering and Planning, Chief Financial Officer and the Developer.

AUTHORIZE TAX COLLECTOR TO SUBMIT APPLICATION TO PARTICIPATE IN ELECTRONIC TAX SALE PROGRAM

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and

regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Township of Neptune wishes to participate in the pilot program for an electronic tax sale.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services; and,

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

AUTHORIZE THE CANCELLATION OF TAXES ON PROPERTY PURCHASED BY THE TOWNSHIP OF NEPTUNE (129 DIVISION STREET)

WHEREAS, the property known as Block 173, Lot 31.01, with an address of 129 Division St has been purchased by the Township of Neptune and should be tax exempt; and,

WHEREAS, the property had previously been billed 2013 taxes and sewer rent; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel the remaining taxes and sewer rent assessed against the above property for 2013; and,

WHEREAS, the amounts to be canceled are as follow;

Tax Year	Tax	Sewer
2013	\$2,792.48	\$220.19

NOW THEREFORE BE IT RESOLVED, by the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and hereby is authorized to cancel taxes and sewer as stated herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector, Deputy Treasurer and Auditor.

AUTHORIZE THE ENDORSEMENT OF THE TAX SALE CERTIFICATE AFFECTING BLOCK 336.01, LOT 6 (HIGHWAY 33)

WHEREAS, all the taxes, costs and interest have been paid on the Tax Title Lien Certificate affecting the property listed below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to endorse for cancellation the Tax Title Lien Certificate affecting Block 336.01, Lot 6 (Highway 33); and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the endorsed Tax Sale Certificate be forwarded to the Tax Collector.

ACCEPT THE RESIGNATION OF ALONZO WRIGHT AS A MEMBER OF THE HOUSING AUTHORITY

WHEREAS, the Township Committee has received a letter from Alonzo J. Wright resigning as a member of the Housing Authority effective October 31, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune

that the resignation of Alonzo J. Wright as a member of the Housing Authority is hereby accepted effective October 31, 2013; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Neptune Township Housing Authority.

AUTHORIZE AN AMENDMENT TO THE 2013 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE UNITED STATES DEPARTMENT OF JUSTICE

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2013 in the sum of \$14,803.00 which is now available from a United States Department of Justice/City of Asbury Park in the amount of \$14,803.00; and,

BE IT FURTHER RESOLVED that the like sum of \$14,803.00 is hereby appropriated under the caption of FY13 Edward Byrne Memorial Justice Assistance Grant; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the United States Department of Justice – Edward Byrne Memorial Justice Assistance Grant – FY13 in the amount of \$14,803.00; and,

BE IT FURTHER RESOLVED, that the Clerk forward three certified copies of this resolution to the Chief Financial Officer and one copy to the Assistant C.F.O., and Auditor.

AUTHORIZE DONATION OF SURPLUS BACKHOE TO THE NEPTUNE TOWNSHIP HOUSING AUTHORITY

WHEREAS, the Public Works Department has recommended that a 2000 New Holland backhoe be designated as surplus equipment and no longer needed for public use; and,

WHEREAS, the Neptune Township Housing Authority desires to acquire said equipment from the Township at no charge; and,

WHEREAS, the Neptune Township Housing Authority has assisted the Township with snow removal from streets surrounding Housing Authority property and will continue to provide this service through the use of said equipment,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares a 2000 New Holland Backhoe, VIN #31027682, as surplus equipment and no longer needed for public use; and,

BE IT FURTHER RESOLVED, that the Township Committee authorizes the donation of said backhoe to the Neptune Township Housing Authority at no cost; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Public Works Director, Deputy Municipal Clerk, Business Administrator and Neptune Township Housing Authority.

GRANT UNPAID LEAVE OF ABSENCE UNDER THE FAMILY MEDICAL LEAVE ACT TO THOMAS REILLY

WHEREAS, Thomas Reilly, Driver in the Department of Public Works has requested an unpaid leave of absence under the provisions of the Family Medical Leave Act; and,

WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Thomas Reilly, Driver in the Department of Public Works, is hereby granted an unpaid leave of absence commencing October 28, 2013 and ending January 28, 2014; and,

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

GRANT UNPAID LEAVE OF ABSENCE UNDER THE FAMILY MEDICAL LEAVE ACT TO JENNIFER LIDDICK

WHEREAS, Jennifer Liddick, Departmental Secretary in the Code/Construction Department has requested an unpaid leave of absence under the provisions of the Family Medical Leave Act; and,

WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Jennifer Liddick, Departmental Secretary in the Code/Construction Department, is hereby granted an unpaid leave of absence commencing September 7, 2013 and ending December 7, 2013 (which is an extension of the leave of absence granted from June 7, 2013 to September 7, 2013); and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the agreement be forwarded to the Construction Official, Chief Financial Officer, Assistant C.F.O. and Business Administrator and Stephanie Oppegaard.

RECLASSIFY EMPLOYEE TO PERMANENT PART-TIME STATUS

WHEREAS, Rusty Kleiberg is currently the full-time Plumbing Sub-Code Official in the Construction Official; and,

WHEREAS, Rusty Kleiberg has requested that he be reclassified to part-time status working four days per week and the Construction Official has recommended that this reclassification be approved,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Rusty Kleiberg, Plumbing Sub-Code Official, be and is hereby reclassified to permanent part-time status at an average of twenty-eight (28) hours per week at no change in hourly salary (\$47.67) effective October 9, 2013; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Construction Official, Chief Financial Officer, Assistant C.F.O., and AFSCME Local #1844.

AUTHORIZE THE REFUND OF A DRY WINTER STORAGE FEE AT THE MUNICIPAL MARINA

WHEREAS, Dennis Nitka has made a payment in the amount of \$945.00 for dry winter storage at the Municipal Marina; and,

WHEREAS, Mr. Nitka has advised the Harbor Master that he will not be storing his vessel at the Municipal Marina; and,

WHEREAS, the Harbor Master recommends a refund of the payment for dry winter storage,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized to refund the dry winter storage payment in the amount of \$945.00 as stated herein; and,

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

AUTHORIZE LEASE OF A RESTROOM TRAILER FOR MUNICIPAL MARINA

WHEREAS, the Purchasing Agent solicited quotes for the lease of a restroom trailer for the Municipal Marina; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Purchasing Agent who has recommended

that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in the Special Emergency Appropriation – Marina Utility and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes a lease of a restroom trailer for the Municipal Marina through Williams Scotsman, Inc. pursuant to their quote of \$26,031.46 for a period of one (1) year, including delivery, installation and return; and,

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 Harbor Master.

PROVIDE FOR THE COMBINATION OF CERTAIN ISSUES OF NOT EXCEEDING \$5,759,000 GENERAL OBLIGATION BONDS, SERIES 2013 OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF SUCH BONDS, DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$3,369,996 HURRICANE SANDY-RELATED SPECIAL EMERGENCY NOTES, AND PROVIDING FOR THE SALE OF SUCH BONDS AND NOTES TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE AUTHORITY'S 2013 POOLED GOVERNMENTAL LOAN PROGRAM AND 2013 POOLED SPECIAL EMERGENCY NOTE PROGRAM

WHEREAS, the Township of Neptune (the "Township"), in the County of Monmouth, State of New Jersey, has determined that there exists a need within the Township to finance the costs of various capital improvements throughout the Township (the "General Improvements Project"); and

WHEREAS, the Township Committee has duly adopted various bond ordinances (the "Ordinances") to appropriate moneys and authorize the issuance of bonds or bond anticipation notes to undertake the General Improvements Project; and

WHEREAS, the Township has determined to finance the General Improvements Project with the proceeds of a loan (the "Loan") to be made to the Township by the Monmouth County Improvement Authority (the "MCIA") in connection with the 2013 Pooled Governmental Loan Program, currently scheduled to close on December 24, 2013 (the "2013 MCIA Bond Program"); and

WHEREAS, in order for the Township to receive the Loan from the MCIA, it is necessary to combine the bonds authorized under said Ordinances into one consolidated issue of general obligation bonds in the aggregate principal amount of \$5,759,000 (to be issued in one series or more separate series aggregating said amount and to memorialize the applicable obligations of the general or utility funds of the Township, as and if applicable), pursuant to the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"); and

WHEREAS, to evidence the Loan, the MCIA also requires the Township to authorize, execute, attest and deliver the Township's \$5,759,000 General Obligation Bonds, Series 2013 (to be issued in one or more separate series aggregating said amount and to memorialize the applicable obligations of the general or utility funds of the Township, as and if applicable) (the "Bonds") in accordance with the provisions hereof and pursuant to the terms of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") and other applicable law; and

WHEREAS, section 27(a)(2) of the Local Bond Law allows for the sale of the Bonds to the MCIA without any public offering, all under the terms and conditions set forth herein and in a Bond Purchase Agreement by and between the Township and the MCIA to be dated as of the date of the sale of such Bonds; and

WHEREAS, on December 19, 2012, the Township issued \$5,100,000 principal amount of Special Emergency Notes, maturing on November 19, 2013 (the "Initial SEN"), to finance various Hurricane Sandy-related emergency repairs (the "Sandy Repairs Project"), which Initial SEN and related renewals of portions thereof will ultimately be repaid over a period of years via a combination of Township budgeted funds and Federal Emergency Management Agency ("FEMA") funds awarded to the Township for the Sandy Repairs Project; and

WHEREAS, the MCIA is also offering a 2013 Pooled Special Emergency Note Program, currently scheduled to close on December 5, 2013 (the "2013 MCIA SEN Program"); and

WHEREAS, the Township has determined to issue its initial one-year renewal of the Initial SEN (the "Renewal SEN"), in an aggregate principal amount not exceeding \$3,369,996, through the 2013 MCIA SEN Program (with the reduction between the principal amount of the \$5,100,000

Initial SEN and the \$3,369,996 Renewal SEN representing Township budgeted funds and funds received so far from FEMA); and

WHEREAS, given that the Initial SEN matures on November 19, 2013, which is prior to the scheduled December 5, 2013 closing of the 2013 MCIA SEN Program, the County of Monmouth (the "County") has agreed to purchase a short-term Renewal SEN from the Township, in a principal amount of \$3,369,996, to be dated November 19, 2013 and to mature on January 7, 2014, at a coupon interest rate of .9%, thereby enabling the Township to participate in the 2013 MCIA SEN Program;

NOW THEREFORE, BE IT RESOLVED BY A TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Township, authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Obligation Bonds, Series 2013 in the aggregate principal amount of not exceeding \$5,759,000 to be issued in one or more separate series aggregating said amount and to memorialize the applicable obligations of the general or utility funds of the Township.

Section 2. The principal amount of bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the bond ordinances are respectively as set forth in Exhibit B hereto:

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not more than 29.8 years.

(b) The Bonds of the combined issue shall be designated "General Obligation Bonds, Series 2013" (or such other designation if such Bonds are issued in two separate series to memorialize the applicable obligations of the general or utility funds of the Township) and shall mature within the average period of usefulness hereinabove determined.

(c) The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and some of such improvements or purposes, if applicable and permitted by law, a deduction may be taken in any annual or supplemental debt statement.

Section 5. In accordance with the provisions of N.J.S.A. 40A:2-27(a)(2), the Township hereby sells and awards the Township's \$5,759,000 General Obligation Bonds, Series 2013 (collectively, the "Bonds") to the MCIA in accordance with the provisions hereof and in accordance with the terms of a Bond Purchase Agreement by and between the Township and the MCIA (the "Bond Purchase Agreement"). The Mayor of the Township (the "Mayor") and Chief Financial Officer of the Township (the "Chief Financial Officer") are each hereby authorized and directed on behalf of the Township, in consultation with Bond Counsel (as hereinafter defined), to negotiate the terms of such Bond Purchase Agreement, to be dated the date of sale of the Bonds, to approve the terms of aforesaid Bond Purchase Agreement and to execute and deliver said Bond Purchase Agreement to the MCIA. The Bonds have been referred to and described in the Ordinances being finally adopted at duly called and held meetings of the Township Committee and published as required by law and which Ordinances were combined for purposes of sale pursuant to this resolution, all pursuant to terms of the Local Bond Law and other applicable law.

In accordance with the provisions of N.J.S.A. 40A:2-8.1 the Township hereby (a) sells and awards the Township's \$3,369,996 Renewal BAN to be dated November 19, 2013 and to mature on or about January 7, 2014 to the County, at a coupon interest rate not to exceed .9%, and (b) sells and awards the Township's \$3,369,996 Renewal BAN to be dated on or about December 5, 2013 and to mature on or about December 4, 2014 to the MCIA, at a coupon interest rate not to exceed 1.5%,. the Mayor and Chief Financial Officer are each hereby authorized and directed on behalf of the Township, in consultation with Bond Counsel, to negotiate the final terms and condition of each such Renewal SEN.

Section 6. The Chief Financial Officer is hereby authorized and directed to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the MCIA and the terms and conditions hereof and set forth in the Bond Purchase Agreement, the following items with respect to the Bonds, except those terms and conditions which are set forth in the Bond Purchase Agreement:

- (a) The aggregate principal amount of the Bonds to be issued, provided that the total amount of Bonds issued shall not exceed the aggregate principal amount of \$5,759,000 (which may be issued in one series or two separate series aggregating said amount and to memorialize the applicable obligations of the general or utility funds of the Township);
- (b) The maturity and principal installments of the Bonds, which maturity shall not exceed 29.8 years;
- (c) The date of the Bonds;
- (d) The interest rates of the Bonds;
- (e) The purchase price of the Bonds; and
- (f) The terms and conditions under which the Bonds shall be subject to redemption prior to their stated maturities.

Section 7. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Bonds by the parties authorized under Section 8(c) hereof.

Section 8. The Township Committee hereby determines that certain terms of the Bonds shall be as follows:

- (a) The Bonds shall be issued in a single denomination and shall be numbered GO-1 (or such other designation if such Bonds are issued in two separate series to memorialize the applicable obligations of the general or utility funds of the Township);
- (b) The Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk of the Township (the "Township Clerk").

Section 9. The Bonds shall be in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the Township to comply with the requirements of the 2013 MCIA Bond Program, upon the advice of Bond Counsel.

Section 10. The law firm of Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, Bond Counsel to the Township ("Bond Counsel"), the Township Engineer, the Township Attorney and the Township Auditor are each hereby authorized and directed to perform all actions necessary to consummate the issuance of the Bonds and the Renewal SEN, and the General Improvements Project and Sandy Repairs Project for which the Bonds and Renewal SEN, as applicable, are issued, including but not limited to, drafting and arranging for the printing and execution of the Bonds and Renewal SEN and all applicable documentation necessary to memorialize and consummate the issuance of the Bonds and Renewal SEN and the undertaking of the General Improvements Project and the Sandy Repairs Project, preparing all necessary financial information, all

engineering and design work, preparation of plans and specifications and conducting all necessary studies, searches and analysis in connection with the issuance of the Bonds and the Renewal SEN and the undertaking of the General Improvements Project and the Sandy Repairs Project. The Mayor, the Chief Financial Officer, the Township Clerk, the Township Attorney and any other Township representative (including Bond Counsel or the Township Auditor) are each hereby authorized and directed to execute and deliver any certificates necessary or desirable in connection with the financial and other information.

Section 11. The Mayor, the Chief Financial Officer, the Township Clerk and any other Township representative, are each hereby authorized and directed to (i) execute any certificates or documents necessary or desirable in connection with the sale of the Bonds, including the Bond Purchase Agreement, and the Renewal SEN, or the undertaking of the General Improvements Project and the Sandy Repairs Project, and each are hereby further authorized and directed to deliver same to the County and/or MCIA, as applicable, upon delivery of the Bonds and the Renewal SEN and the applicable receipts of payment therefore, or in accordance with the 2013 MCIA Bond Program and 2013 MCIA SEN program and (ii) perform such other actions as they deem necessary, desirable or convenient, in consultation with Bond Counsel, in relation to the execution and delivery thereof.

Section 12. Upon the adoption hereof, the Township Clerk shall forward certified copies of this resolution: (a) via facsimile, to (i) Marion Masnick of the MCIA at facsimile number 732-409-4821, and (ii) Anthony J. Pannella, Esq., of Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, Bond Counsel to the Township, at facsimile number 732-726-6528; and (b) via certified first class mail, to (i) Marion Masnick of the MCIA at The Monmouth County Improvement Authority, Hall of Records, Main Street, Freehold, New Jersey 07728, and (ii) Anthony J. Pannella, Esq., of Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, Bond Counsel to the Township at 90 Woodbridge Center Drive, Woodbridge, New Jersey 07095.

Section 13. This resolution shall take effect immediately.

ACCEPT PERFORMANCE GUARANTEES FILED BY NEPTUNE PARTNERS, LLC FOR SITE IMPROVEMENTS AT SIGNATURE PLACE AT NEPTUNE (JUMPING BROOK ROAD AND ROUTE 66)

WHEREAS, Neptune Partners, LLC has filed performance bonds FP0019788 in the amount of \$1,215,714.00, FP0021022 in the amount of \$1,602,804 and FP0019789 in the amount of \$836,682.00, written by First Indemnity of America Insurance Company (total amount of \$3,655,200.00), guaranteeing site improvements at the proposed Signature Place at Neptune project at the intersection of Jumping Brook Road and Route 66 (Block 1500, Lots 23.04 and 23.05); and,

WHEREAS, the Township Attorney has reviewed and approved said bonds; and,

WHEREAS, the required 10% cash surety and inspection fee escrow have been posted; and,

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

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

1. The Performance Guarantee as stated above be and is hereby accepted.
2. The Mayor and Clerk be and are hereby authorized to execute a Developer's Agreement for the above referenced project.
3. A copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Director of Engineering and Planning, Chief Financial Officer and the Developer.

AUTHORIZE PURCHASE AND INSTALLATION OF HANGING UNIT HEATERS FOR SALT DOME

WHEREAS, the Purchasing Agent solicited quotes for the purchase and installation of four hanging unit heaters for the salt dome located at the Public Works Yard; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and

therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Director of Public Works and the Purchasing Agent who have recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 12-07 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the installation and purchase of four hanging unit heaters for the salt dome at the Public Works Yard be and is hereby authorized through Air Dynamic Systems pursuant to their quote of \$27,840.00; and,

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

The resolutions of the Consent Agenda were approved on the following vote: Bishop, aye; Brantley, aye; Jahn, aye; McMillan, aye; and Houghtaling, aye.

AWARD BID FOR SIDE LOAD REFUSE TRUCK

Mr. Bishop offered the following resolution, moved and seconded by Ms. Jahn, that it be adopted:

WHEREAS, on January 24, 2013, the Purchasing Agent received bids for the award of a contract for side-load refuse trucks and containers; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by Bergey's Truck Center; 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, on January 28, 2013, the Township Committee adopted Resolution #13-98 which awarded a contract for two side load refuse trucks and 8,400 containers; and,

WHEREAS, the Purchasing Agent recommends the purchase of an addition side load refuse truck utilizing pricing obtained via this bid; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 12-24 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 Bergey's Truck Center on their lowest responsible bid of \$299,951.00 to supply one (1) 2014 Mack LEU613 33 cubic yard side load refuse truck; and,

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.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Jahn, aye; McMillan, aye; and Houghtaling, aye.

AWARD BID FOR DEMOLITION AND REMOVAL OF VARIOUS STRUCTURES AT VETERANS MEMORIAL PARK

Mr. Bishop offered the following resolution, moved and seconded by Mr. McMillan, that it be adopted:

WHEREAS, on September 18, 2013, the Township Engineer received bids for the award of a contract for the demolition and removal of various structures at Veterans Memorial Park (former Welsh Farms property); and,

WHEREAS, said bids were reviewed by the Township Engineer who has recommended that the bid be awarded to the lowest bid submitted by Yannuzzi & Sons, Inc.; 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 Ordinance No. 13-40 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 Yannuzzi & Sons, Inc. their lowest responsible Base Bid and Alternate A bid of \$137,700.00 for the demolition and removal of various structures at Veterans Memorial Park on Old Corlies Avenue (former Welsh Farms property); and,

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 Township Engineer.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Jahn, aye, adding that this is nice tribute to our Veterans; McMillan, aye; and Houghtaling, aye.

AUTHORIZE THE PAYMENT OF BILLS

Ms. Jahn offered the following resolution, moved and seconded by Mr. Bishop, that it be adopted:

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

CURRENT FUND	127,053.68
FEDERAL & STATE GRANT FUND	38,138.12
TRUST OTHER	17,825.00
GENERAL CAPITAL FUND	14,435.45
SEWER OPERATING FUND	249.14
SEWER CAPITAL FUND	89,522.55
MARINA OPERATING FUND	4,377.56
LIBRARY TRUST	1,178.56
BILL LIST TOTAL	\$292,780.06

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

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Jahn, aye; McMillan, aye; and Houghtaling, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Jack Bredin, 94 ½ Heck Avenue, reviewed the history of the North End property and the reason for the tax exempt status of Beach Avenue and Lake Avenue. He added that Lake Avenue and the boardwalk are not streets. The Planning Board must review the Redevelopment Plan again before the Township Committee can adopt a Redevelopment Agreement.

Ms. Argyros stated that Wawa is being built on dirty land at Routes 33 and 35. You can smell the gasoline in this area and an Environmental Consultant says it is illegal to transfer property if it is not cleaned up. She added that she does not see how dumping of dredge from Shark River can take place at Shark River Park because it is Green Acres property.

Alan Brock, Freehold, stated that he started the "Sharky Rivers" campaign to keep the ocean and Shark River clean. He asked everyone to visit his web site to raise awareness. He added that he hopes the Shark River is dredged.

Heinz Weck, Ocean Grove, stated that he is happy the elevator is running. He

complimented Leanne Hoffmann for the Broadway project.

Ann Horan, 69 Clark Avenue, stated that the water company dug up Clark and Webb Avenues for utility upgrades and only filled the holes creating a rough surface. Mr. Bascom stated that he will check with Public Works to determine if NJAWC will be returning to make final restoration.

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

Mr. Bishop offered the following resolution, moved and seconded by Mr. McMillan, that it be adopted:

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:

Contract negotiations – Update on bargaining unit negotiations

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.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Jahn, aye; McMillan, aye; and Houghtaling, aye.

The Committee entered executive session.

Mr. Bishop offered a motion, seconded by Mr. McMillan, to return to open session. All were in favor.

Mr. Bishop offered a motion, seconded by Mr. McMillan, to adjourn. All were in favor.

Richard J. Cuttrel,
Municipal Clerk