

TOWNSHIP COMMITTEE WORKSHOP MEETING – MARCH 25, 2013 – 6:00 P.M.

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
J. Randy Bishop	_____
Dr. Michael Brantley	_____
Mary Beth Jahn	_____
Kevin B. McMillan	_____
Eric J. Houghtaling	_____

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

Mayor Houghtaling announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster on January 3, 2013 and the Asbury Park Press on January 4, 2013, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Easter Sunday service at Riverside Park.
2. Discussion – 2013 municipal budget.
3. Discussion – Flood elevation ordinances.
4. Review Committee calendars/follow-up on outstanding issues from previous meeting.
5. Update on Hurricane Sandy recovery and outstanding parking lot items. (PW)

Res. # 13-167 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

TOWNSHIP COMMITTEE MEETING – MARCH 25, 2013 – 7:00 P.M.

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>	<u>PRESS REPRESENTATIVES</u>
J. Randy Bishop	_____	Don Stine The Coaster
Dr. Michael Brantley	_____	Kevin Penton Asbury Park Press
Mary Beth Jahn	_____	
Kevin B. McMillan	_____	
Eric J. Houghtaling	_____	

Also present at the dais: Gene Anthony, Township Attorney; Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; 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 Houghtaling announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster on January 3, 2013 and the Asbury Park Press on January 4, 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

Motion offered by _____, seconded by _____, to approve the minutes of the meetings held on February 25th.

REPORT OF THE CLERK

The Clerk states that the following reports and communications are on file in the Clerk's office:

Senior Center monthly statistics for February.

Monmouth County Board of Health February 19th meeting minutes.

A thank you note sent to Mayor Houghtaling from Barbara Grella, Librarian at Shark River Hills School, for the Mayor's participation in Dr. Seuss Day.

Notice of public hearings from JCP&L regarding proposed rate increases.

The following individuals and groups were recognized by Rosemary Gray for recent donations to the Senior Center: Sue Mead, Clifton Davis, Forever Young Group, Celeste & Frank DeCapua, Betty Wolny, Regina & Thomas Donohue, Doris Schwarz, Magnolia & Style Floyd, The Bridge Group, Carolyn Ayoub, Alice & Ralph Kremer, Russ Cleveland, Diane Olsen, Fern Piersall, Marilyn Shotwell, Beatrice O'Neill, Mary & Ronald Carr, Eleonore Merriman, Alice Fiorillo & Joan Marshall.

COMMENTS FROM THE DAIS

The Mayor will now request comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

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.

ORDINANCES

For each ordinance with a public hearing, the public will be permitted one visit to the microphone with a limit of five minutes.

ORDINANCE NO. 13-05 - An ordinance authorizing the Township of Neptune to exceed the 2% cola rate appropriation limits and establish a cap bank for purposes of introducing the 2013 Municipal Budget - Final Reading

Explanatory Statement: This ordinance permits the introduction of the annual municipal budget with a maximum appropriations increase of 3.5%. This ordinance does not amend or change the 2% tax levy cap.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

ORDINANCE NO. 13-06 - An ordinance amending Volume I, Chapter XXIII, Section 23-2 of the Code of the Township of Neptune by prohibiting the use of tobacco products in public parks and recreation areas and updating the list of designated parks and playgrounds - First Reading

Explanatory Statement: This ordinance prohibits the use of tobacco products in all Township public parks and recreation areas. The ordinance also updates the roster of existing Township parks and playgrounds.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

ORDINANCE NO. 13-07 - An ordinance amending Volume I, Chapter XIII, Section 13-1 of the Code of the Township of Neptune by prohibiting the excavation of streets in the Ocean Grove Historic District between May 1st and September 15th - First Reading

Explanatory Statement: This ordinance prohibits the issuance of a street opening permit and the excavation of streets in the Ocean Grove Historic District between May 1st and September 15th.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

ORDINANCE NO. 13-08 - An ordinance to amend Volume I, Chapter VII, Section 7-21 of the Code of the Township of Neptune by adding a handicapped parking zone on Embury Avenue - First Reading

Explanatory Statement: This ordinance authorizes a handicapped parking zone in front of 34 Embury Avenue.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

ORDINANCE NO. 13-09 - An ordinance to amend Volume I, Chapter VII, Section 7-7 of the Code of the Township of Neptune by adding no parking zones on both sides of Heck Avenue within 100 feet of the center of the intersection with Route 35 - First Reading

Explanatory Statement: This ordinance establishes a no parking zone on both sides of Heck Avenue within 100 feet of the Route 35 intersection in anticipation of the installation of a traffic signal by the NJDOT.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

ORDINANCE NO. 13-10 - An ordinance vacating dedicated but unimproved streets in the Township of Neptune known as a portion of Park Place and a portion of South Riverside Drive - First Reading

Explanatory Statement: This ordinance vacates the unimproved portion of South Riverside Drive and Park Place immediately adjacent to the Cracker Barrel property.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

ORDINANCE NO. 13-11 - An ordinance amending the Land Development Ordinance Volume II Section 201 entitled "Definitions" and Section 419 entitled "Flood Hazard Regulations" - First Reading

Explanatory Statement: This ordinance amends certain definitions in the Township's Land Use Ordinance including, but not limited to, advisory base flood elevations, flood hazard zones, and flood hazard areas. The ordinance also defines permits and certifications necessary for construction within areas of special flood hazard.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

ORDINANCE NO. 13-12 - An ordinance to amend Volume I, Chapter XIX of the Code of the Township of Neptune entitled "Flood Damage Prevention" - First Reading

Explanatory Statement: This ordinance amends definitions and provisions for flood hazard reductions in areas of special flood hazard within the Township's general Flood Damage Prevention ordinance.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

ORDINANCE NO. 13-13 - Bond Ordinance providing for various 2013 improvements to parks and other Township facilities, including improvements to Jumping Brook Ballfields, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$390,000 therefor (including a grant received or expected to be received in the amount of \$250,000) and authorizing the issuance of \$133,000 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This is a bond ordinance authorizing funding for various improvements to various parks and other Township facilities in the Township, including but not limited to, Jumping Brook Ballfields, (the portion of the improvements or purposes for which the Grant is appropriated herein), such improvements shall include but are not limited to, as applicable, the repair and restoration of the Jumping Brook Ballfields, including excavation, fill, grading and seeding, various drainage improvements, the acquisition and installation or repair, as applicable, of clay, fertilizer, sod, irrigation, a backstop with ten foot extensions, fencing, foul poles, benches, bleachers, dugouts, field bases, recycling and refuse containers, landscaping, improvements to walking paths, plantings for the rain garden, and lighting, concrete foundations for lighting and electrical work in the parking lot, and other similar improvements.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

ORDINANCE NO. 13-14 - Bond Ordinance providing for various 2013 roadway and drainage improvements, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$1,500,000 therefor (including a grant received or expected to be received in the amount of \$248,700) and authorizing the issuance of \$1,188,735 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This is a bond ordinance authorizing funding for various 2013 roadway and drainage improvements to the entire lengths or portions, as applicable various roads, including but not limited to, reconstruction and resurfacing of Wayside Road, (the portion of the improvements for which the Grant is appropriated herein), such improvements shall include but are not limited to, as applicable, milling, paving, reconstruction and resurfacing the roadways, the repairing and/or installation of curbs, sidewalks and driveway aprons, drainage work, various storm drainage improvements, roadway painting, landscaping and aesthetic improvements.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

The Public Hearings on Ordinances 13-06 through 13-14 will be held on Monday, April 8, 2013.

CONSENT AGENDA

Res. # 13-168 – Authorize the execution of a release of part of mortgaged property with the TRF DP Ridge Avenue, LLC in connection with the Schoolhouse Square Project.

Res. # 13-169 – Employ on-call/part-time Custodians.

Res. # 13-170 – Authorize submission of Tax Reimbursement Certificate in connection with the Recycling Tonnage Grant.

Res. # 13-171 – Employ Public Safety Officer on a part-time basis.

Res. # 13-172 – Establish no stopping or standing zone at the intersection of Route 35 and Heck Avenue.

Res. # 13-173 – Authorize use of Riverside Park by Community Baptist Church for an Easter Sunrise Service.

Res. # 13-174 – Reject all bids for a six cubic yard dump truck.

Res. # 13-175 – Affirm default of Dykeman, Inc. with regard to Fairways at Heritage Estates roadway improvements.

Res. # 13-176 – Authorize temporary emergency appropriation in the Marina Utility.

Res. # 13-177 – Accept the resignation of William Resetar as a Special Law Enforcement Officer.

CONSENT AGENDA Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-178 – Authorize purchase and installation of fencing at Ocean Grove playground.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-179 – Award bid for pedestals, panels, and cable for the Municipal Marina.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-180 – Authorize Settlement Agreement with Travelers Indemnity Co. over default and demand for repairs and paving of roadways located at Fairways at Heritage Estates.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-181 – Award bid for Improvements to Shark River Municipal Marina.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-182 – Award bid for Roadway Improvements to Broadway.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-183 – Award bid for fiberglass pilings for the Municipal Marina.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-184 – Award bid for North Riverside Drive Pump Station Improvements.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-185 – Appoint member to the Board of Adjustment

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-186 – Appoint member to the Neptune Township Housing Authority.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-187 – Appoint Citizens Participation Group for the FY2014 Community Development Block Grant Program.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-188 – Authorize the payment of bills.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-189 – Introduce 2013 Municipal Budget.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

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.

ADJOURNMENT

ORDINANCE NO. 13-06

AN ORDINANCE AMENDING VOLUME I, CHAPTER XXIII, SECTION 23-2 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC PARKS AND RECREATION AREAS AND UPDATING THE LIST OF DESIGNATED PARKS AND PLAYGROUNDS

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

SECTION 1. Volume I, Chapter XXIII, Section 23-2.1 "Use of Public Parks and Recreation Areas; Conduct" be and is hereby amended as follows:

Add to prohibited activities:

hh. Smoke, chew, or possess lighted cigarettes, pipes, cigars, electronic cigarettes, or any other type of tobacco product.

SECTION 2. Volume I, Chapter XXIII, Section 23-1.1 – "Locations Designated: - be and is hereby amended as follows:

Amend:

d. Change "Jumping Brook Park, Old Corlies Avenue" to "Bert Willis Fields, Old Corlies Avenue"

g. Change "West Lake Mini Park, Lake Avenue" to "Midtown Commons Park, West Lake Avenue"

Remove:

n. Inskip Avenue Basketball Court, Ocean Grove

SECTION 3. This ordinance shall become effective immediately upon its adoption and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Eric J. Houghtaling,
Mayor

ORDINANCE NO. 13-07

AN ORDINANCE AMENDING VOLUME I, CHAPTER XIII, SECTION 13-1 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY PROHIBITING THE EXCAVATION OF STREETS IN THE OCEAN GROVE HISTORIC DISTRICT BETWEEN MAY 1ST AND SEPTEMBER 15TH

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

SECTION 1. Volume I, Chapter XIII, Section 13-1 "Excavation of Street and Sidewalks" be and is hereby amended as follows:

Section 13-1.3a – "Excavation of Streets Not Permitted During The Summer Season in the Ocean Grove Historic District" is by added as follows:

A road excavation permit issued for any street within the Ocean Grove Historic District shall only be valid between September 16th and April 30th. No excavation of streets shall be permitted within the Ocean Grove Historic District between May 1st and September 15th. A road excavation permit may be issued for a road excavation during the prohibited time period in the event of emergency circumstances as determined by the Director of Public Works or Township Engineer.

SECTION 2. This ordinance shall become effective immediately upon its adoption and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Eric J. Houghtaling,
Mayor

ORDINANCE NO. 13-08

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-21 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A HANDICAPPED PARKING ZONE ON EMBURY 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 adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Embury Avenue	1	South side of Embury Avenue beginning 78 feet east of the southeast intersection of Embury Avenue and Central 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

Eric J. Houghtaling,
Mayor

ORDINANCE NO. 13-09

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A NO PARKING ZONE ON BOTH SIDES OF HECK AVENUE WITHIN 100 FEET OF THE CENTER OF THE INTERSECTION WITH ROUTE 35

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 7-7.7 – Parking Prohibited at All Times on Certain Streets, is hereby amended by adding the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Heck Avenue	Both	Between 100 feet East or West of the center of the intersection with Route 35.

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

Eric J. Houghtaling,
Mayor

ORDINANCE NO. 13-10

AN ORDINANCE VACATING DEDICATED BUT UNIMPROVED
STREETS IN THE TOWNSHIP OF NEPTUNE KNOWN AS A
PORTION OF PARK PLACE AND A PORTION OF SOUTH
RIVERSIDE DRIVE

WHEREAS, there exists certain municipal right-of-ways within the Township of Neptune in the form of an unimproved portion of Park Place and an unimproved portion of South Riverside Drive 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 said unimproved portion of these streets is no longer needed for any public 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 the unimproved portion of said 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 in the southerly line of South Riverside Drive (60 feet in width), distant 22.15 feet on a course of South 57 degrees 16 minutes 00 seconds East from the intersection of the tangents of a curve connecting the southerly line of South Riverside Drive with the easterly line of Park Place (60 feet in width); thence,

1. South 57 degrees 16 minutes 00 seconds East along the southerly line of South Riverside Drive a distance of 152.02 feet to a point; thence,
2. North 23 degrees 19 minutes 00 seconds East along a projection of the dividing line between Lot 52 and Lot 53 in Block 481 as shown on the Tax Map of the Township of Neptune a distance of 11.15 feet to the proposed southerly line of South Riverside Drive; thence,
3. North 57 degrees 16 minutes 00 seconds West along the proposed southerly line of South Riverside Drive a distance of 149.84 feet to a point of curvature; thence,
4. Continuing in a westerly and southerly direction following a curve bearing to the left, having a radius of 26.00 feet and a central angle of 112 degrees 39 minutes 00 seconds, an arc

distance of 51.12 feet to a point of tangency in the proposed easterly line of Park Place;
thence,

5. South 10 degrees 05 minutes 00 seconds West along the proposed easterly line of Park Place a distance of 115.80 feet to a point; thence,
6. South 66 degrees 41 minutes 00 seconds East along a projection of the dividing line between Lots 58 and 59 a distance of 11.30 feet to a point in the easterly line of Park Place; thence,
7. North 10 degrees 05 minutes 00 seconds East along the easterly line of Park Place a distance of 118.75 feet to a point of curvature; thence,
8. Continuing in a northerly and easterly direction following a curve bearing to the right, having a radius of 14.76 feet and a central angle of 112 degrees 39 minutes 00 seconds, an arc distance of 29.02 feet to the point and place of Beginning.

Containing 3,386 square feet or 0.0777 acres.

This description has been prepared in accordance with the current tax map of the Township of Neptune prepared by Michael J. Williams Land Surveying, LLC dated January 11, 2013

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.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Eric J. Houghtaling,
Mayor

ORDINANCE NO. 13-11

AN ORDINANCE AMENDING LAND DEVELOPMENT
ORDINANCE VOLUME II, SECTION 201 ENTITLED
"DEFINITIONS" AND SECTION 419 ENTITLED "FLOOD
HAZARD REGULATIONS"

BE IT ORDAINED by the Township of Neptune of the County of Monmouth in the State of New Jersey that the Land Development Ordinance, Volume II, Section 201, entitled "Definitions" and Section 419 entitled "Flood Hazard Regulations" shall be amended as follows:

§201 DEFINITIONS.

Advisory Base Flood Elevation (ABFE). The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL +wave effect) resulting from a flood that has a 1 percent (1%) or greater chance of being equaled or exceeded in any given year. (100 Year Flood Event)

Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation (AACFE) (500 Year Flood Event) . The coastal water service elevation of a flood having a 0.2 percent (0.2%) annual chance of being equaled or exceeded in any given year. It is expressed in feet referenced to the North American Vertical Datum of 1988 (NAVD 88).

Advisory Flood Hazard Area (AFHA)Area of Special Flood Hazard (ASFH). The land in the floodplain within a community subject to flooding from the 1 percent (1%) annual chance event, or 0.2 percent (0.2%) annual chance event depicted on the Advisory Flood Hazard Map.

Advisory Flood Hazard Map. The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

Advisory Flood Hazard Zone A. Is comprised of the areas subject to storm surge flooding from the 1 percent (1%) annual chance coastal flood. These areas are not subject to high velocity wave action, but are still considered high risk flooding areas.

Advisory Flood Hazard Zone V. Is comprised of areas subject to high velocity wave action (a 3 foot breaking wave) from the 1 percent (1%) annual chance coastal flood. Zone V is subject to more stringent building requirements than other zones because these areas are exposed to a higher level of risk.

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the mean height of the roof. In a Special Flood Hazard Area, the building height shall be measured from the Advisory Base Flood Elevation or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, whichever is more restrictive.

Porches in FHA. Porches (as defined elsewhere in §201 of the Township's Land Use Ordinance)

are permitted in the FHA, however, after accounting for the requirements of stairs as defined in this section, no porch shall extend farther than ½ the distance from the building plane to the front and side lot lines and the actual depth of said porch shall be no larger than eight (8) feet.

Stairs in Flood Hazard Areas (FHA). In the FHA portions of the Township, stairs from elevated structures shall be able to project into the front yard setback – as defined herein. For stairs that provide access from the front of a structure, stairs may project up to fifty percent (50%) of the required front yard setback to accommodate stair access, but in no case shall they be closer than ten (10) feet from the front lot line. In the case of stairways that are accessed from the side of a structure, stairs shall be permitted to project up to fifty percent (50%) of the side yard setback – as defined herein – but may not encroach further than three (3) feet from the prevailing side lot line.

Stairway Landings in FHA. To accommodate stairwell access to elevated structures in the FHA and keeping with the restrictions of stairwell projections as defined in this section, the use of stairway landings may be necessary to effectuate access to a given structure. For the purposes of this Code, stairway landing is defined as a level, uncovered platform installed at the point where stairs change direction, either at the top of or in between flights.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a “historic structure,” if designated as a key structure and one that would be adversely affected in terms of historic character as determined by the Municipal Construction Official/Floodplain Administrator. Alteration of a “historic structure” shall not be considered a relocation.

§419 FLOOD HAZARD REGULATIONS.

F. Permit Required. A zoning permit, grading permit, a construction permit and a HPC permit, if applicable, must be obtained before construction or development begins within any Area of Special Flood Hazard established by the Federal Emergency Management Agency (FEMA). In addition to the normal information required for a zoning permit application, the following specific information is required to be reviewed by the Township Engineer prior to the issuance of an approved zoning permit:

1. New construction and the substantial improvement of any principal dwelling or commercial building, including attached garages, in an Area of Special

Flood Hazard (ASFH) shall follow the Advisory Base Flood Elevation (ABFE) Standard for the type of construction set forth more fully in Chapter XIX entitled "Flood Damage Prevention"

2. In the areas the base flood elevation has not been determined, the applicant must determine the base flood elevation in accordance with the current NJ DEP Flood Hazard Area regulations and obtain the Township Engineer's Approval;
 3. Certification by a registered professional engineer or architect that the flood proofing methods for any non residential structure meet the flood proofing criteria in Sub-section J.2 below;
 4. Description of the extent to which any water course will be altered or relocated as a result of the proposed development;
 5. Elevation in relation to mean sea level of any ground areas to be disturbed, filled, graded or re-graded;
 6. Certification that all necessary permits have been obtained from those Federal, State or County Government agency from which prior approval is required; and
 7. All base flood elevation and floodway data used to determine whether the proposed development is located in the floodway shall assure that the encroachment provisions of Sub-section K below are complied with. When base flood elevation and floodway data has not been provided in accordance with Subsection C above, the Township Engineer shall obtain, review and reasonably utilize any base flood elevation and flood water data available from a Federal, State or other source, in order to administer Sub-section J. below.
 8. The height limitations required in each zone district shall not apply to Churches.
- H. Areas of Special Flood Hazard. In all areas of Special Flood Hazard, compliance with the requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the standards set forth under Chapter XIX § 19-5 of the General Ordinances of the township of Neptune entitled "Flood Damage Prevention" shall be followed.
- J. New Construction. In all areas of Special Flood Hazard where base flood elevation data have been provided as set forth in Subsection F, the standards set forth more fully under Chapter XIX § 19-5.1, §19-5.2, §19-5.3 and §19-5.4 of the General Ordinances of the Township of Neptune entitled "Flood Damage Prevention" shall be followed.
- L. Architectural Design. In all cases where elevation of a constructed or reconstructed improvement is either necessary or desirable, façade treatment shall be necessary to at least two and one half (2 ½) feet from the finished grade of the building with regard to all sides of the building.
- M. Historic District. Construction and reconstruction of buildings in the Historic District shall be subject to the same standards of Section 419 of the Land Development Ordinance and Chapter XIX entitled "Flood Damage Prevention" of

the General Ordinances, except for key structures, as set forth in the Land Development Ordinance or other designated Ordinances. Applicability to the aforesaid Ordinance or historic exclusion based on the key structure nature of the building shall be determined after review by the Municipal Construction Official/Floodplain Administrator. Should the Municipal Construction Official/Floodplain Administrator determine that the building is subject to §419 of the Land Development Ordinance and Chapter XIX of the General Ordinances entitled "Flood Damage Prevention" and that Substantial Improvements are needed, the Municipal Construction Official/Floodplain Administrator shall issue a Notice of Determination with regard to the need for Substantial Improvements. The determination of the Municipal Construction Official/Floodplain Administrator shall be appealable to the Historic Preservation Commissions (HPC). An aggrieved party can appeal the determination of the Municipal Construction Official/Floodplain Administrator to the HPC within forty-five (45) days of the determination. Any decision of the HPC may be appealed to the Zoning Board of Adjustment in the manner set forth in §706 (Appeals and Application to ZBOA) of the Land Development Ordinance.

- N. Building Coverage, Special Flood Hazard Area. In all Special Flood Hazard Areas within the Township, and only in those cases where residential dwellings will be elevated or demolished and elevated as part of reconstruction, the maximum percentage of building coverage may be increased by ten percent (10%) above the existing building coverage requirement for the zoning district in which the property lies. This standard shall apply to both conforming and nonconforming lots.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Eric J. Houghtaling,
Mayor

ORDINANCE NO. 13-12

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XIX OF THE
GENERAL ORDINANCES OF THE TOWNSHIP OF NEPTUNE
ENTITLED "FLOOD DAMAGE PREVENTION"

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 General Ordinances of the Township of Neptune, and in particular, Chapter XIX, entitled "Flood Damage Prevention" shall be amended as follows:

19-2 DEFINITIONS.

Advisory Base Flood Elevation (ABFE) shall mean the elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1 percent (1%) or greater chance of being equaled or exceeded in any given year. (100 Year Flood Event)

Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation (AACFE) (500 Year Flood Event) shall mean the coastal water service elevation of a flood having a 0.2 percent (0.2%) annual chance of being equaled or exceeded in any given year. It is expressed in feet referenced to the North American Vertical Datum of 1988 (NAVD 88).

Advisory Flood Hazard Area (AFHA) shall mean the land in the floodplain within a community subject to flooding from the 1 percent (1%) annual chance event, or 0.2 percent (0.2%) annual chance event depicted on the Advisory Flood Hazard Map.

Advisory Flood Hazard Map shall mean the official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

Advisory Flood Hazard Zone A is comprised of the areas subject to storm surge flooding from the 1 percent (1%) annual chance coastal flood. These areas are not subject to high velocity wave action, but are still considered high risk flooding areas.

Advisory Flood Hazard Zone V is comprised of areas subject to high velocity wave action (a 3 foot breaking wave) from the 1 percent (1%) annual chance coastal flood. Zone V is subject to more stringent building requirements than other zones because these areas are exposed to a higher level of risk.

Substantial Improvement, as amended, shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure," if designated as a key structure and one that would be adversely affected in terms of historic character as determined by the

Municipal Construction Official/Floodplain Administrator. Alteration of a “historic structure” shall not be considered a relocation.

19-3.2 Basis for Establishing the Areas of Special Flood Hazard.

The area of special flood hazard for the Township of Neptune, Community No. 340317, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. A scientific and engineering report “Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)” dated December 12, 2012.
- c. Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on index and panels, Asbury Park NE, Asbury Park OE E NW, Asbury Park SE, Asbury Park NW whose effective date is December 12, 2012.
- c. Advisory Base Flood Elevations and Advisory Flood Hazard Maps dated December 12, 2012. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 25 Neptune Boulevard, Neptune New Jersey.

19-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.

19-5.1 General Standards.

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C.5:23) and the following standards, whichever is more restrictive, is required:

- c. *Utilities.*
 4. For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. *Subdivision Proposals.*
 1. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
 2. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 3. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty percent (50%) lots or five (5) acres (whichever is less).

19-5.2 Specific Standards.

a. *Residential Construction.*

1. New construction and substantial improvements of any residential structure within any Advisory Hazard Zones V and A shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the Advisory Base Flood Elevation or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, whichever is more restrictive.

b. *Nonresidential Construction.* In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

1. Elevated to or above the base flood elevation or advisory base flood elevation, or above the Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, whichever is more restrictive.

bb. or

1. Be floodproofed so that below the base flood level plus one (1) foot, or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, (whichever is more restrictive) the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in subsection 19-4.3c,2b.

c. *Manufactured Homes.*

1. Manufactured homes shall be anchored in accordance with subsection 19-5.1a,2.
2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base floor elevation or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, (whichever is more restrictive).

d. *Historic District.*

Construction and reconstruction of buildings in the Historic District shall be subject to the same standards as this Ordinance, except for key structures, as set forth in

the Land Development Ordinance or other designated Ordinances. Applicability to the aforesaid Ordinance or historic exclusion based on the key structure nature of the building shall be determined after review by the Municipal Construction Official/Floodplain Administrator. Should the Municipal Construction Official/Floodplain Administrator determine that the building is subject to this Ordinance and the standards of this Ordinance, and that Substantial Improvements are needed, the Municipal Construction Official/Floodplain Administrator shall issue a Notice of Determination with regard to the need for Substantial Improvements. The determination of the Municipal Construction Official/Floodplain Administrator shall be appealable to the Historic Preservation Commissions (HPC). An aggrieved party can appeal the determination of the Municipal Construction Official/Floodplain Administrator to the HPC within forty-five (45) days of the determination. Any decision of the HPC may be appealed to the Zoning Board of Adjustment in the manner set forth in §706 (Appeals and Application to ZBOA) of the Land Development Ordinance.

19-5.4 Coastal High Hazard Area.

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in subsection 19-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

a. *Location of Structures.*

1. All buildings or structures shall be located landward of the reach of the mean high tide.
2. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home division.

b. *Construction Methods.*

1. Elevation.

All new construction and substantial improvements shall be elevated on piling or columns so that:

(a) The bottom of the lowest horizontal structural member of the lowest (excluding piling or columns) is elevated to or above the base flood elevation, Advisory Base Flood Elevation or as required by the Uniform Construction Code (N.J.A.C. 5:23), whichever is more restrictive, and

(b) with all space below the lowest floor's supporting member so as not to impede with the flow of water, except for breakaway walls as provided for in subsection 19-5.4b,4.

4. Space Below the Lowest Floor.

(a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

- (b) Breakaway walls, open lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.
 - (1) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,
 - (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- (c) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access or storage and not for human habitation.
- (d) Prior to construction, plans for any breakaway wall must be submitted to the Building Sub-Code Official for approval.

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:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Eric J. Houghtaling,
Mayor

ORDINANCE NO. 13-13

BOND ORDINANCE PROVIDING FOR VARIOUS 2013 IMPROVEMENTS TO PARKS AND OTHER TOWNSHIP FACILITIES, INCLUDING IMPROVEMENTS TO JUMPING BROOK BALLFIELDS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$390,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$250,000) AND AUTHORIZING THE ISSUANCE OF \$133,000 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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$390,000, said sum being inclusive of a \$250,000 grant received or expected to be received from the County of Monmouth Open Space Program (the "Grant"), and the down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") in the amount of \$7,000. The \$7,000 down payment is now available therefor 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 improvements or purposes described in Section 3 hereof and to meet the part of said \$390,000 appropriation not provided for by application hereunder of the Grant or said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$133,000 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 \$133,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various improvements to various parks and other Township facilities in the Township, including but not limited to, Jumping Brook Ballfields (the portion of the improvements or purposes for which the Grant is appropriated herein), such improvements shall include but are not limited to, as applicable, the repair and restoration of the Jumping Brook Ballfields, including excavation, fill, grading and seeding, various drainage improvements, the acquisition and installation or repair, as applicable, of clay, fertilizer, sod, irrigation, a backstop with ten foot extensions, fencing with poly cap, installer and ties, foul poles, benches, bleachers, dugouts, field bases, recycling and refuse containers, landscaping, improvements to walking paths, plantings for the rain garden, and lighting, concrete foundations for lighting and electrical work in the parking lot, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents,

construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$133,000.

(c) The estimated cost of said improvements or purposes is \$390,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$250,000 and the down payment in the amount of \$7,000 available for such improvements or purposes.

SECTION 4. Except for 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. Except for 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, 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 improvements or purposes 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 \$133,000 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 \$50,000 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 improvements or purposes 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 improvements or purposes 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. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$133,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. 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 improvements or purposes 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 ordinance.

SECTION 11. 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

Eric J. Houghtaling,
Mayor

ORDINANCE NO. 13-14

BOND ORDINANCE PROVIDING FOR VARIOUS 2013 ROADWAY AND DRAINAGE IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,500,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$248,700) AND AUTHORIZING THE ISSUANCE OF \$1,188,735 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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$1,500,000, said sum being inclusive of a \$248,700 grant received or expected to be received from the New Jersey Department of Transportation (the "Grant"), and the down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") in the amount of \$62,565. The \$62,565 down payment is now available therefor 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 improvements or purposes described in Section 3 hereof and to meet the part of said \$1,500,000 appropriation not provided for by application hereunder of the Grant or said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,188,735 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 \$1,188,735 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various 2013 roadway and drainage improvements to the entire lengths or portions, as applicable, of various roads, including but not limited to, reconstruction and resurfacing of Wayside Road (the portion of the improvements or purpose for which the Grant is appropriated herein), such improvements shall include but are not limited to, as applicable, milling, paving, reconstruction and resurfacing the roadways, the repairing and/or installation of curbs, sidewalks and driveway aprons, drainage work, various storm drainage improvements, roadway painting, landscaping and aesthetic improvements, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all as on file in the Office of Engineering and Planning and the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,188,735.

(c) The estimated cost of said improvements or purposes is \$1,500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$248,700 and the down payment in the amount of \$62,565 available for such improvements or purposes.

SECTION 4. Except for 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. Except for 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may

lawfully undertake as general improvements or purposes, 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 improvements or purposes 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 twenty (20) 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 \$1,188,735 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 \$200,000 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 improvements or purposes 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 improvements or purposes 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. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,188,735. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. 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 improvements or purposes 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 ordinance.

SECTION 11. 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

Eric J. Houghtaling,
Mayor

RESOLUTION #13-167 – 3/25/13

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 – Vacancies on Planning Board, Board of Adjustment, Library Board of Trustees,
Housing Authority and Environmental/Shade Tree Commission

Potential Litigation – Request for appeal of duty wrecker denial

Personnel – Citizens Participation Group for CDBG

Potential Litigation – Background investigation for raffle/bingo applicants

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.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-168 - 3/25/13

AUTHORIZE THE EXECUTION OF A RELEASE OF PART OF MORTGAGED
PROPERTY WITH TRF DP RIDGE AVENUE. LLC IN CONNECTION WITH
THE SCHOOLHOUSE SQUARE PROJECT

WHEREAS, the Township of Neptune holds a mortgage dated April 8, 2009 in the amount of \$400,000 with TRF DP Ridge Avenue, LLC in connection with the Schoolhouse Square project; and,

WHEREAS, Block 197.05, Lot 7, with an address of 1513 Cherry Lane Avenue is included in the properties bound by said mortgage; and,

WHEREAS, said property is being sold as a housing unit and TRF DP Ridge Avenue, LLC is requesting that this property be released from the mortgage,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute a Release of Part of Mortgaged Property to release Block 197.05, Lot 7, with an address of 1513 Cherry Lane, from the properties bound by the existing mortgage dated April 8, 2009 in the amount of \$400,000.00; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer and Business Administrator.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read 'Richard J. Cuttrell', written in a cursive style.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-169 - 3/25/13

EMPLOY ON-CALL PART-TIME CUSTODIANS

WHEREAS, there is a need for on-call/part-time Custodians in the Building Maintenance Department; and,

WHEREAS, the positions were duly posted and applicants have been interviewed; and,

WHEREAS, the Public Works Director has made his recommendation; and,

WHEREAS, funds will be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided in the Budget for the year 2013, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Anthony Delloiacono, Gregory Gearo, Desmond Green, Constant Saraison, Barbara Howell and Velda Harris be and are hereby employed as on-call/part-time Custodians at an hourly rate of \$12.00, contingent upon favorable results of a background check and physical examination, effective April 1, 2013; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell".

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-170 - 3/25/13

AUTHORIZE SUBMISSION OF TAX REIMBURSEMENT CERTIFICATE
IN CONNECTION WITH THE RECYCLING TONNAGE GRANT

WHEREAS, the Recycling Enhancement Act, P.L. 207, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and,

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Township of Neptune hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2009, chapter 311, in 2012 the amount of \$46,194.61. Documentation supporting this submission is available with the Chief Financial Officer at the Neptune Municipal Complex, 25 Neptune Blvd., Neptune, NJ and shall be maintained for no less than five years from this date.

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

Tax reimbursement certified by:

Michael J. Bascom, C.F.O.
March 25, 2013

RESOLUTION #13-171 - 3/25/13

EMPLOY PUBLIC SAFETY OFFICER ON A PART-TIME BASIS

WHEREAS, there is a need for an additional part-time hourly Public Safety Officer; and,

WHEREAS, applicants have been interviewed and the Chief of Police has made his recommendation; and,

WHEREAS, funds will be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided in the Budget for the year 2013, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Patricia DiLeo be and is hereby employed as a Public Safety Officer on a part-time basis, pending favorable results of the required physical, effective March 26, 2013, at an hourly rate of \$14.00 per hour; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Business Administrator, Chief Financial Officer, Assistant C.F.O., and Mandy To.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell". The signature is stylized and cursive.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-172 - 3/25/13

ESTABLISH NO STOPPING OR STANDING ZONE AT THE
INTERSECTION OF ROUTE 35 AND HECK AVENUE

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation at Route 35 and Heck Avenue in Neptune Township; and,

WHEREAS, the NJDOT investigation recommends the revision of the existing parking regulation on Route 35; and,

WHEREAS, in order to proceed with the design and to legally establish the no stopping and standing prohibition along the state highway, the NJDOT is required to promulgate a Traffic Regulation Order and the initial step in this process is to receive a certified resolution of support from the municipal governing body,

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

SECTION 1: No person shall Stop or Stand a vehicle on any day (including public holidays) on either side of Route 35, 380 feet North or South of the center of the intersection of Route 35 & Heck Avenue.

SECTION 2: The Township Engineer shall forward two certified copies of this executed Resolution to NJDOT for their action.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the NJDOT as requested.

ADOPTED at a regular meeting of the Township Committee
of the Township of Neptune held on the 25th day of March, 2013.

By: _____
Eric J. Houghtaling, Mayor

Attest:

By: _____
Richard J. Cuttrell, Municipal Clerk
(Seal)

RESOLUTION #13-173 - 3/25/13

AUTHORIZE USE OF RIVERSIDE PARK BY COMMUNITY BAPTIST CHURCH
FOR AN EASTER SUNRISE SERVICE

WHEREAS, Community Baptist Church and the Shark River Hills Property Owners Association have requested the use of Riverside Park on South Riverside Drive for an Easter Sunrise Service,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the use of Riverside Park by the Community Baptist Church and Shark River Hills Property Owners Association is hereby approved on March 31st between the hours of 5:30 a.m. and 8:00 a.m. for an Easter Sunday Sunrise Service; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Neptune Township Police Department.

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell".

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-174 - 3/25/13

REJECT ALL BIDS FOR A SIX CUBIC YARD DUMP TRUCK

WHEREAS, on February 14, 2013, the Purchasing Agent received bids for the award of a contract to supply a six cubic yard dump truck; and,

WHEREAS, said bids were reviewed by the Purchasing Agent and a Consultant from Commercial Vehicle, Inc. who have recommended that bids submitted by Hoover Truck Center and Mid-Atlantic Truck Centre be rejected due to non-responsiveness to the bid specifications and that the bid submitted by Gabrielli Kenworth be rejected as unresponsive; and,

WHEREAS, this results in a determination that no responsible bids were received,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that all bids received for the purchase of a six cubic yard dump truck be and are hereby rejected for the reasons as stated herein; and,

BE IT FURTHER RESOLVED, that the Purchasing Agent is authorized to re-advertise for the receipt of bids for this equipment; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell", written in a cursive style.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-175 – 3/25/13

AFFIRM DEFAULT OF DYKEMAN ASSOCIATES, INC., WITH REGARD TO
FAIRWAYS AT HERITAGE ESTATES ROADWAY IMPROVEMENTS

WHEREAS, Dykeman Associates is the principal company developing the project known as Fairways at Heritage Estates; and

WHEREAS, while the project aforesaid is substantially completed, the principal contractor of the project refuses to complete roadway improvements necessary for the homeowners of the community, despite many demands by the engineer of the Township of Neptune; and

WHEREAS, as a result of these refusals and this default on the principal's obligations, the Township Attorney, Gene J. Anthony, Esq., sent out a Notice of Default and Demand to the bonding company holding the performance bond for the project, namely Travelers Indemnity Company, by letter of June 27, 2012, demanding that the bonding company act with regard to Bond No. 038-SB-B21842270 in taking action to complete the repairs and paving necessary to complete the roads in Fairways at Heritage Estates. A true copy of the aforesaid letter is attached hereto and made a part hereof as Exhibit A. The aforesaid letter was copied to the principal as well.

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 affirms the Notice of Default and Demand for Claim on the bonding company, namely Travelers Indemnity Co., in fulfilling the obligations of the principal, Dykeman Associates, Inc., of the project known as "The Fairways at Heritage Estates," by completing the repairing and paving of necessary roadways in Fairways at Heritage Estates; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Engineer and Township Attorney.

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-176 - 3/25/12

AUTHORIZE EMERGENCY TEMPORARY APPROPRIATION
IN THE MARINA UTILITY

WHEREAS, on January 1, 2013, the Township Committee adopted a resolution to adopt a temporary budget for the Marina Utility for the first three months of the year; and,

WHEREAS, the adoption of the 2013 Municipal Budget has extended beyond the first quarter of the fiscal year and it is necessary to authorize an appropriation in the Marina Utility Capital Outlay line item until the final budget is adopted; and,

WHEREAS, in accordance with N.J.S.A. 40A:4-20, emergency temporary appropriations can be made for a period between the beginning of the budget year and the date of the adoption of the budget,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following Emergency Temporary Appropriations be and are hereby adopted (2/3rds vote of the full membership required); and,

Marina Utility - Capital Outlay	\$500,000.00
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BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, Business Administrator, Assistant C.F.O. and two copies to the Division of Local Government Services.

VOTE

Bishop: aye
Brantley: aye
Jahn: absent
McMillan: aye
Houghtaling: aye

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-177 - 3/25/13

ACCEPT THE RESIGNATION OF WILLIAM RESETAR AS A
SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, the Township Committee has received a letter from William Resetar resigning as a Special Law Enforcement Officer – Class II in the Police Department effective April 1, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of William Resetar as a Special Law Enforcement Officer – Class II in the Police Department effective April 1, 2013; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., Mandy To and the Chief of Police.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read 'Richard J. Cuttrell', written in a cursive style.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-178 - 3/25/13

AUTHORIZE PURCHASE AND INSTALLATION OF FENCING
AT OCEAN GROVE PLAYGROUND

WHEREAS, the Purchasing Agent solicited quotes for the purchase and installation of fencing at Ocean Grove playground; 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 Hurricane Sandy Emergency Appropriation 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 purchase and installation of fencing at the Ocean Grove Playground be and is hereby authorized through American Choice Railing and Fencing pursuant to their quote of \$22,585.00; 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, Recreation Director and Public Works Director.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read 'Richard J. Cuttrell', written in a cursive style.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-179 - 3/25/13

AWARD BID FOR PEDESTALS, PANELS AND CABLE FOR THE MUNICIPAL MARINA

WHEREAS, on March 19, 2013, the Purchasing Agent received bids for the award of a contract to supply pedestals, panels and cable for the Municipal Marina; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by Cooper Electric Supply; 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 Special Emergency Appropriation – Marina Utility 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 Cooper Electric Supply on their lowest responsible bid of \$71,225.00 to supply pedestals, panels and cable for the Municipal Marina; 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 Harbor Master.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell". The signature is stylized and cursive.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-180 - 3/25/13

AUTHORIZE SETTLEMENT AGREEMENT WITH TRAVELERS INDEMNITY CO., OVER
DEFAULT AND DEMAND FOR REPAIRS AND PAVING OF ROADWAYS LOCATED AT
FAIRWAYS AT HERITAGE ESTATES

WHEREAS, Neptune Township approved for development certain real estate owned by Dykeman Associates ("Developer"), namely a certain subdivision commonly referred to as "The Fairways at Heritage Estates; and,

WHEREAS, as a condition of subdivision approval, Neptune Township's Planning Board required that the Developer post performance guarantees for completion of the site improvements within the development; and,

WHEREAS, a performance bond was issued on behalf of the Developer, initially by Gulf Insurance Co., later Travelers Indemnity Co., as the successor in interest for Gulf Insurance Co., in the amount of Five Hundred and Forty-Nine Thousand, Three Hundred and Sixty-Three Dollars and Sixty Cents (\$549,363.60), under Bond No. 038-SB-B21842270; and,

WHEREAS, as a result of the Developer's failure to complete roadway improvements, a Notice of Default and Demand for performance was issued by the Township Attorney, Gene J. Anthony, Esq., by letter to Travelers Indemnity Co., on June 27, 2012, copying the Developer, Dykeman Associates, as being in default; and,

WHEREAS, on March 25, 2013 the Township Committee passed a Resolution affirming the aforesaid Default and Demand for Performance based on the Notice of Default letter of June 27, 2012, a true copy of which is attached hereto and made a part hereof as Exhibit A; and,

WHEREAS, Travelers Indemnity Co., has offered and proposed a Settlement Agreement whereby upon release of the cash bond to Travelers Indemnity Co., Travelers Indemnity Co. will pay for the cost of repair and improvements of all roadways in Heritage Estates upon execution of the Settlement Agreement and release, and approval by the Township Committee. A true copy of said Settlement Agreement is attached hereto and made a part hereof as Exhibit B,

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 Settlement Agreement between Travelers Indemnity Co. and Neptune Township with regard to the default of Dykeman Associates with regard to the subdivision commonly referred to as "The Fairways at Heritage Estates," a true copy of said Settlement Agreement is attached hereto as Exhibit B; and,

BE IT FURTHER 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 execution of the aforesaid Settlement Agreement by the Mayor and Clerk of Neptune Township; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Engineer and Township Attorney.

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13



Richard J. Cuttrel, Municipal Clerk

RESOLUTION #13-181 - 3/25/13

AWARD BID FOR IMPROVEMENTS TO SHARK RIVER MUNICIPAL MARINA

WHEREAS, on March 19, 2013, the Township's Engineering Consultant received bids for the award of a contract for Improvements to the Shark River Municipal Marina; and,

WHEREAS, said bids were reviewed by the Engineering Consultant who has recommended that the bid be awarded to the lowest bid submitted by KG Marine Contracting, 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 the Special Emergency Appropriation – Marina Utility 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 KG Marine Contracting, Inc. on their lowest responsible bid of \$352,310.00 for Improvements to the Shark River Municipal Marina; 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 Harbor Master.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-182 - 3/25/13

AWARD BID FOR ROADWAY IMPROVEMENTS TO BROADWAY

WHEREAS, on March 19, 2013, the Township's Engineering Consultant received bids for the award of a contract for Roadway Improvements to Broadway; and,

WHEREAS, said bids were reviewed by the Engineering Consultant who has recommended that the bid be awarded to the lowest bid submitted by Lucas Construction Group; 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 Ordinances No. 11-19, 11-25 and 08-50, 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 Lucas Construction Group on their lowest responsible bid of \$216,990.30 for Roadway Improvements to Broadway; 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.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell". The signature is stylized and cursive.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-183 - 3/25/13

AWARD BID FOR FIBERGLASS PILINGS FOR THE MUNICIPAL MARINA

WHEREAS, on March 8, 2013, the Township Engineer received bids for the award of a contract to furnish fiberglass pilings for the Municipal Marina; and,

WHEREAS, said bids were reviewed by the Township Engineer who has recommended that the bid be awarded to the lowest bid submitted by Harbor Technologies; 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 Special Emergency Appropriation – Marina Utility 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 Harbor Technologies on their lowest responsible bid of \$60,152.00 to furnish fiberglass pilings for the Municipal Marina; 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 Harbor Master.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-184 - 3/25/13

AWARD BID FOR NORTH RIVERSIDE DRIVE PUMP STATION IMPROVEMENTS

WHEREAS, on March 21, 2013, Roberts Engineering, Township Engineering Consultant, received bids for the award of a contract for North Riverside Drive Pump Station Improvements; and,

WHEREAS, said bids were reviewed by the Township Engineering Consultant who has recommended that the bid be awarded to the lowest bid submitted by DeMaio Electrical Co. 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 the Special Emergency Appropriation – Sewer Utility and Ordinance Nos. 04-31, 05-25, 06-07, 08-51 and 12-14, 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 DeMaio Electrical Co. Inc. on their lowest responsible bid of \$495,000.00 for North Riverside Drive Pump Station Improvements; 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 Director of Public Works.

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read 'Richard J. Cuttrell', written in a cursive style.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-185 - 3/25/13

APPOINT MEMBER TO THE BOARD OF ADJUSTMENT

WHEREAS, there is a vacancy in the position of Alternate #3 member to the Board of Adjustment; and,

WHEREAS, the Committee desires to move the current Alternate #4 member into the Alternate #3 position and make a new appointment to the Alternate #4 position,

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Dianna Harris, currently the Alternate #4 member to the Board of Adjustment, is hereby appointed to the vacant Alternate #3 position for an unexpired two-year term expiring December 31, 2014; and,

BE IT FURTHER RESOLVED that Clifford Johnson be and is hereby appointed as the Alternate #4 member of the Board of Adjustment for an unexpired two-year term expiring December 31, 2013; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Board of Adjustment Administrative Officer.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell". The signature is stylized and cursive.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-186 - 3/25/13

APPOINT MEMBER TO THE NEPTUNE TOWNSHIP HOUSING AUTHORITY

BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby appoints James W. Manning, Sr. to the Neptune Township Housing Authority for a five year term expiring March 31, 2018; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell", written in a cursive style.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-187 - 3/25/13

APPOINT CITIZENS PARTICIPATION GROUP FOR THE
FY2014 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Township of Neptune desires to participate in the FY2014 Community Development Block Grant Program; and,

WHEREAS, the Township Committee must appoint a Citizens Participation Group to solicit ideas for and make recommendations on projects to be funded under the program,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that it hereby appoints the following individuals to the FY2014 Community Development Block Grant Program Citizens Participation Group:

Michael Bascom
Monique Burger
Dianna Harris

Leanne Hoffmann
Fred Porter
Jason Jones

Vito Gadaleta
Robert Lane

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Neptune Township Community Development Representative and Alternate Representative.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-188 – 3/25/13

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	3,739,354.70
FEDERAL & STATE GRANT FUND	1,020.70
TRUST OTHER	22,768.91
GENERAL CAPITAL FUND	52,566.12
SEWER OPERATING FUND	999,418.34
SEWER CAPITAL FUND	79,851.60
MARINA OPERATING FUND	26,490.34
MARINA CAPITAL FUND	242.08
DOG TRUST	7,477.00
LIBRARY TRUST	1,191.46
BILL LIST TOTAL	\$4,930,381.25

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-189 - 3/25/13

INTRODUCE 2013 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2013; and,

BE IT FURTHER RESOLVED, that said Budget be published in The Coaster in the issue of April 4, 2013,

General Appropriations

Appropriations within "CAPS"	30,384,540.00
Appropriations excluded from "CAPS"	6,781,213.68
Reserve for Uncollected Taxes	2,900,000.00
Total General Appropriations	40,065,753.68

General Revenues

Anticipated Revenues Other Than Current Property Tax	14,567,847.21
Local Tax for Municipal Purposes	24,298,856.47
Minimum Library Tax	1,199,050.00
Total General Revenues	40,065,753.68

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Committee of the Township of Neptune, County of Monmouth, on March 25, 2013. A hearing on the Budget and Tax Resolution will be held at the Neptune Township Municipal Complex, Township Meeting Room, 2nd Floor, 25 Neptune Blvd., Neptune NJ on April 22, 2013 at 7:00 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 03/25/13



Richard J. Cuttrell, Municipal Clerk