

TOWNSHIP COMMITTEE WORKSHOP MEETING – APRIL 22, 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. Cuttrel, 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 and presentation – 2013 Municipal Budget.

2. Discussion – Waiver of Road Opening Application fee (\$25.00) for utility companies disconnecting service in anticipation of the demolition of a structure damaged by Hurricane Sandy. (PW)

3. Update on Hurricane Sandy recovery/Right-of-Entry resolution to assist in clean-up of debris/outstanding parking lot items.

4. Review Committee calendars/follow-up on outstanding issues from previous meeting.

Res. # 13-215 – 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 – APRIL 22, 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	_____	
Mary Beth Jahn	_____	Kevin Penton Asbury Park Press
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 meeting held on March 25th.

REPORT OF THE CLERK

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

Minutes from the Monmouth County Board of Health March 19th meeting.

The Senior Center staff received thank you notes and cards from JSUMC, Diane Olsen, Harry Lynch & Joan Orsino, Lenora Alston and family, Barbara DeSantis, Anna McHale and Lena Grace Alson.

A letter from David Mooij, Superintendent of Schools, thanking Chief Adams for his participation in the Safe and Secure Schools Parent Forum.

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 HEARING – 2013 MUNICIPAL BUDGET

Public comments regarding the 2013 Municipal Budget which was introduced on March 25, 2013. The public will be permitted one visit to the microphone with a limit of five minutes.

Res. # 13-216A – Amend an amendment to approved 2013 Municipal Budget.

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

Res. # 13-216B – Adopt 2013 Municipal Budget.

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

PUBLIC COMMENTS ON RESOLUTIONS TO PROMOTE AND ASSIGN POLICE OFFICERS

Public comments resolutions to promote police officers. The public will be permitted one visit to the microphone with a limit of five minutes.

Res. # 13-217 – Promote Police Officer to the position of Deputy Chief of Police.

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

Res. # 13-218 – Promote officers to various ranks and assign officers to the Detective Bureau in the Police Department.

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

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. 13-15 - An ordinance to add Volume I, Chapter VII, Section 7-10A of the Code of the Township of Neptune to prohibit through traffic on Monroe Avenue at State Highway 35 – Final Reading

Explanatory Statement: This ordinance prohibits traffic on Monroe Avenue from crossing Route 35, only right turns will be permitted.

Public Hearing:

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

ORDINANCE NO. 13-16 - An ordinance to amend Volume I, Chapter XVIII of the Code of the Township of Neptune known as "Harbor Utility, Sections 18-2.2 and 18-2.13" by establishing procedures for abandoned or disabled vessels – First Reading

Explanatory Statement: This ordinance establishes a process for removing abandoned or disabled vessels or watercraft from the Municipal Marina.

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

ORDINANCE NO. 13-17 - An ordinance amending Land Development Ordinance Volume II, Section 411 entitled "Supplementary Zoning Regulations for Residential Zones", Section 802A entitled "Development Application Completeness Checklist" and Section 802B entitled "Completeness Checklist for Use Variance and Bulk Variance Request – First Reading

Explanatory Statement: This ordinance amends the front yard setback provisions for porches and decks and updates the submission checklists for Development Applications and Use Variance and Bulk Variance requests.

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

ORDINANCE NO. 13-18 – Bond Ordinance providing for various Marina Utility improvements, by the Marina Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$1,500,000 therefor (including a Green Acres Grant in the amount of \$600,000) and authorizing the issuance of \$900,000 bonds or notes of the Marina Utility of the Township to finance part of the cost thereof – First Reading

Explanatory Statement: This Bond Ordinance authorizes various 2013 Marina Utility Improvements, Including But Not Limited To, Including But Not Limited To, Dredging, Drainage And Site Improvements, Bulkhead Replacement And Improvements, The Acquisition, Construction And/Or Installation, As Applicable, Of Or Improvements To, Floating Docks, Access Ramps, Walkways, Boardwalk And Dock Boxes And Various Electrical And Lighting Improvements

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

The Public Hearings on Ordinances 13-16, 13-17 and 13-18 will be held on Monday, May 13, 2013.

CONSENT AGENDA

- Res. # 13-219 – Employ Tourism Representatives for the 2013 summer season.
- Res. # 13-220 – Authorize the execution of a Commodity Resale Agreement with the County of Monmouth.
- Res. # 13-221 – Accept the resignation of Victor Santos as a Special Law Enforcement Officer.
- Res. # 13-222 – Extend deadline for payment of summer dockage fees at the Municipal Marina.
- Res. # 13-223 – Amend boat ramp daily fee and adopt additional rates for the Municipal Marina.
- Res. # 13-224 – Authorize the cancellation and refund of summer dockage at the Municipal Marina.
- Res. # 13-225 – Place lien on 25 South Riverside Drive.

Res. # 13-226 – Employ Special Law Enforcement Officers in the Police Department on a part-time basis.

Res. # 13-227 – Confirm employment of part-time temporary Plumbing Inspector.

Res. # 13-228 – Appoint member to the Rooming and Boarding Site Licensure Board.

Res. # 13-229 – Authorize execution of a Temporary Construction/Access Easement with the Ocean Grove Camp Meeting Association for repairs to the Wesley Lake wall.

Res. # 13-230 – Authorize the closing of streets in connection with a Hurricane Sandy Benefit Concert at Riverside Park.

Res. # 13-231 – Grant governing authorities’ Right-of-Entry onto private property without obtaining permission of owner and concerning other matters to facilitate recovery from Hurricane Sandy.

Res. # 13-232 – Authorize the cancellation and refund of summer dockage at the Municipal Marina.

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

Res. # 13-233 – Support legislation to protect residential property taxpayers from the loss of telecommunications tax support.

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

Res. # 13-234 – Request the federal government reimburse Neptune Township residents for the entire cost of raising homes to comply with the Advisory Base Flood Elevations.

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

Res. # 13-235 – Apply for a Green Acres Program Grant for Shark River Marina Improvements.

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

Res. # 13-236 – Award bid for maintenance of Township grounds.

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

Res. # 13-237 – Authorize the payment of bills.

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. 13-16

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XVIII OF THE CODE OF THE TOWNSHIP OF NEPTUNE KNOWN AS "HARBOR UTILITY, SECTIONS 18-2.2 AND 18-2.13" BY ESTABLISHING PROCEDURES FOR ABANDONED OR DISABLED VESSELS

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the Neptune Township Code of Ordinances, Volume I, Chapter XVIII, Section 18-2.13 of the Code of the Township of Neptune entitled "Harbor Utility" is hereby amended as follows:

Section 18

18-2.2 Definitions shall add the following:

Vessel means a boat, ship or any other watercraft, regardless of whether it is, or was, used for recreational, commercial or industrial purposes or any other purpose other than a seaplane on the water, used or capable of being used as a means of transportation on the water, except a boat or watercraft, which is subject to the provisions of P.L. 1969, C.264 (C.12:7C-1 et seq.), and includes any trailer used to transport or store it.

18-2.13 a. Abandoned or Disabled Vessel/Watercraft

Every vessel or watercraft in the waterway, which is abandoned or which becomes a menace to navigation or is unseaworthy, or sinks, grounds or becomes otherwise disabled, is hereby declared to be a nuisance and the person in charge thereof shall abate such nuisance within forty-eight hours after notice thereof from the Marina Supervisor or Business Administrator.

b. Notice that Vessel/Watercraft Will be Removed

After a vessel or watercraft has been moored, grounded or docked without a Neptune Township Marina Vendor License for a period of one week, the Marina Supervisor or other designee of the Harbor Commission or Township Committee may affix a notice on the vessel or watercraft advising that if the vessel or watercraft is not removed by the date indicated on the notice, which shall be no less than seven calendar days following the date that the notice is affixed, then the vessel, including any trailer upon which a grounded vessel or watercraft has been placed, will be removed to a holding area. The Marina Supervisor and/or Township

Administrator shall designate and appropriately mark and appropriate location in the harbor area.

c. Power of Harbor Commission

The Harbor Commission and its designee are hereby vested with the power to raise, recover, tow, remove, store, destroy and dispose of vessel or watercraft that have been abandoned in the harbor or waterfront as appropriate pursuant to the procedures applicable to municipal waterways in the Abandoned and Sunken Vessel Disposition Law (N.J.S.A. 12:7C-7 et seq.) or other statutory provisions for the disposition of abandoned watercraft and vessels.

d. Liability for Damages

No agent, servant, employee or authorized representatives of the Harbor Commission or the Township shall be held liable for any damages or loss to any vessel or watercraft or its contents that is removed to a holding area and stored pursuant to the authority of this Ordinance.

e. Violations and Penalties

The owner or operator of the vessel or watercraft who violates the provisions of this Section shall be liable to a penalty of not less than \$100.00 nor more than \$1,250.00. Each day upon which the violation continues shall constitute a separate offense. The civil penalty imposed pursuant to this Section shall be collected pursuant to the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-19 et seq.) in a summary proceeding in the Township Municipal Court.

f. Issuance of Summons; Disposition of Fines

The Marina Supervisor or his or her designee, or other designee as appointed by the Township Committee or any member of the Township Police Department is authorized to issue a summons for a violation of the provisions of this Section and may serve and execute all process with respect to its enforcement. A penalty recovered under the provisions of this Section shall be recovered by and in the name of the state by the local municipality and shall be paid into the treasury of the Township of Neptune.

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. Cuttrel,
Municipal Clerk

Eric J. Houghtaling,
Mayor

ORDINANCE NO. 13-17

AN ORDINANCE AMENDING LAND DEVELOPMENT ORDINANCE VOLUME II, SECTION 411 ENTITLED "SUPPLEMENTARY ZONING REGULATIONS FOR RESIDENTIAL ZONES", SECTION 802A ENTITLED "DEVELOPMENT APPLICATION COMPLETENESS CHECKLIST" AND SECTION 802B ENTITLED "COMPLETENESS CHECKLIST FOR USE VARIANCE AND BULK VARIANCE REQUEST"

BE IT ORDAINED by the Township of Neptune of the County of Monmouth in the State of New Jersey that the Land Development Ordinance shall be amended as follows:

Section 411.07A Porches and Decks (in all areas of Neptune Township other than the Historic District).

- B. Deck setbacks. For single family residential structures, a deck may extend no more than eight (8) feet into the required front setback area, provided the principal structure conforms to the front yard setback requirement. For single family residential structures, a deck may extend no further than fifteen (15) feet into a required rear yard setback area, provided the principal structure conforms to the rear yard setback requirements. In no instance shall a deck be closer than ten (10) feet to a front, rear or side lot line. No deck for a residential structure may extend into a side setback area. No deck associated with a multi-family residential use may extend into any required setback area.
- C. Porch setbacks. For residential structures, a porch may extend no more than eight (8) feet into the required front and/or rear setback area, provided the principal structure conforms to the front yard setback requirement. No porch for a residential structure may extend into a side setback area. No porch associated with any multi-family residential use may extend into any setback area. The front yard setback of a porch shall not be considered the front yard setback of the principal building to which it is attached.

Section 411.07B Porches and Decks (in the Historic District of Neptune Township)

- A. Applicability. This Subsection includes regulations for attached, accessory porches and decks located on properties used for residential purposes within the historic zone districts.
- B. Deck setbacks. For residential structures a deck may not encroach into any setback/yard areas. No deck associated with a multi-family residential use may extend into any required setback/yard areas.
- C. Porch setbacks. For residential structures, a porch may not encroach into any setback/yard areas. No porch associated with any multi-family residential use may extend into any setback/yard areas.

Section 802A Development Application Completeness Checklist

Section §802 [Submissions required for all development applications, excluding Use Variances and Bulk Variances]

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

C	N	N/A*	W*	<u>ONLY FOLDED PLANS WILL BE ACCEPTED</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Twenty-five (25) copies of completed and signed application form which must include the following: <ul style="list-style-type: none"> <input type="checkbox"/> Provide identification of subject property/properties' Special Flood Hazard Area Zone <input type="checkbox"/> Executed copy of "Authorization & Consent Form" part "C" <input type="checkbox"/> Certificate of Ownership, if applicable part "D" <input type="checkbox"/> Executed copy of Escrow Agreement part "E" <input type="checkbox"/> Applicant/Owner to provide verification of taxes paid (this will be further verified by the Administrative Officer).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Twenty-five (25) copies of the property deed(s)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Twenty-five (25) copies of the Zoning Permit Denial [not required for subdivisions]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Required Plans folded no larger than 30"x42": <ul style="list-style-type: none"> a. Twenty-five (25) copies of current signed & sealed survey, prepared by a New Jersey Licensed Professional Land Surveyor. b. Six (6) copies of Soil Erosion & Sediment Control Plans and proof of submission to Freehold Soil Conservation District or letter of exemption from FSCD. c. Five (5) copies with initial submission and each subsequent submission for completeness review. d. Once the application is deemed complete, twenty (20) additional full-sized paper sets of the plans plus one (1) reduced-size paper set of the plans no larger than 11"x17", and one (1) CD containing the plans in .pdf format must be submitted to the Board Office for distribution.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Six (6) copies of Tree removal Application package in accordance with Section §525
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Six (6) copies of Environmental Impact Statement [EIS]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Six (6) copies of Stormwater Management Report
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Proof of submission to Monmouth County Planning Board [if applicable]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Copy of Letter of Interpretation (LOI) or Letter of Exemption or proof of submission to New Jersey Department of Environmental Protection regarding presence of wetlands.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Proof of submission to CAFRA [if applicable]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Six (6) copies of Circulation Impact Study
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12. Community Impact Statement [for Major Site Plan and/or Major Subdivision only]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13. Application Fee \$_____ Escrow Deposit \$_____ In accordance with fee schedule.

C = Complete N = Incomplete N/A = Not Applicable

*** Any request for a "WAIVER" must include a written explanation for the request.**

Section 802B. Completeness Checklist for Use Variance and Bulk Variance Request.

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

C	N	N/A*	W*	<u>ONLY FOLDED PLANS WILL BE ACCEPTED</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Twenty-five (25) copies of completed and signed application form which must include the following: <ul style="list-style-type: none"> <input type="checkbox"/> Applicant's name, address, telephone number, facsimile number, and e-mail address (if applicable). <input type="checkbox"/> Property Owner's name, address, telephone number, facsimile number, and e-mail address (if applicable). <input type="checkbox"/> Applicant's interest in the property. <input type="checkbox"/> Name, address, telephone number, facsimile number, and e-mail address (if applicable) of the Applicant's attorney (if represented) as well as any and all other professional representative(s). <input type="checkbox"/> Street address of the property <input type="checkbox"/> Tax lot and block numbers of the property <input type="checkbox"/> Zoning District in which the property is located. <input type="checkbox"/> Description of the property <input type="checkbox"/> Description of the proposed development. <input type="checkbox"/> Type of application <input type="checkbox"/> Provide identification of subject property/properties' Special Flood Hazard Area Zone <input type="checkbox"/> Executed copy of "Authorization & Consent Form" Part "C" <input type="checkbox"/> Executed copy of "Certificate of Ownership" Part "D", if applicable <input type="checkbox"/> Executed copy of "Certificate of Corporation/Partnership", if applicable <input type="checkbox"/> Applicant/Owner to provide verification of taxes paid (this will be further verified by the Administrative Officer). <input type="checkbox"/> Executed copy of "Escrow Agreement" Part "E"
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Twenty-five (25) copies of the property deed(s).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Twenty-five (25) copies of the Zoning Permit Denial [not required for subdivisions]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Required Plans folded, no larger than 30"x42":
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. Twenty-five (25) copies of current signed & sealed survey, prepared by a New Jersey Licensed Professional Land Surveyor.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b. Five (5) copies with initial submission and each subsequent submission for completeness review.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c. Once the application is deemed complete, twenty (20) additional full-sized paper sets of the plans plus one (1) reduced-size paper set of the plans no larger than 11"x17", and one (1) CD containing the plans in .pdf format must be submitted to the Board Office for distribution.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Six (6) copies of Tree Removal Application package in accordance with Section §525 (if applicable).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Community Impact Statement (for Use Variance only)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Application Fee \$ _____ Escrow Deposit \$ _____

In accordance with fee schedule.

C = Complete N = Incomplete N/A = Not Applicable

*** Any request for a "WAIVER" must include a written explanation for the request.**

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. 13-18

BOND ORDINANCE PROVIDING FOR VARIOUS MARINA UTILITY IMPROVEMENTS, BY THE MARINA UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,500,000 THEREFOR (INCLUDING A GREEN ACRES GRANT IN THE AMOUNT OF \$600,000) AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OR NOTES OF THE MARINA UTILITY 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 to be undertaken as general improvements by the Marina Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$1,500,000, which sum includes a \$600,000 Green Acres Grant expected to be received from the New Jersey Department of Environmental Protection (the "Grant"). Pursuant to N.J.S.A. 40A:2-11(c), as amended and supplemented, no down payment is required for the improvement or purpose set forth in Section 3 hereof, as such project is expected to be funded by the Grant.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$1,500,000 appropriation not provided for by application hereunder of said Grant, negotiable bonds of the Marina Utility of the Township are hereby authorized to be issued in the principal amount of \$900,000 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 Marina Utility of the Township in a principal amount not exceeding \$900,000 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 the purposes for the financing of which said obligations are to be issued are for various Marina Utility improvements, including but not limited to, dredging, drainage and site improvements, bulkhead replacement and improvements, the acquisition, construction and/or installation, as applicable, of or improvements to, floating docks, access ramps, walkways, boardwalk and dock boxes and various electrical and lighting 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.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$900,000.

(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 \$600,000 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 Marina Utility 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 Marina Utility 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 Marina Utility of 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 20.59 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 \$900,000 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 \$150,000 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 \$900,000. 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

RESOLUTION #13-215 – 4/22/13

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 – Vacancy on Environmental/Shade Tree Commission
Potential Litigation – Collection of past due Marina fees
Contract negotiations – RFQ's for Public Relations and Marketing Consultant
Personnel – Police promotions

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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-216A – 4/22/13

AUTHORIZE AN AMENDMENT TO APPROVED 2013 MUNICIPAL BUDGET

WHEREAS, the local municipal budget for the year 2013 was approved on the 25th day of March, 2013; and,

WHEREAS, the public hearing on said budget has been held as advertised on April 22, 2013, and,

WHEREAS, it is desired to amend said approved as described below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, of the County of Monmouth, that the following amendments to the approved budget of 2013 be made:

	From	To
GENERAL REVENUES		
3. Miscellaneous Revenues – Section G: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Other Special Items:		
Reserve for FEMA (Hurricane Sandy)	775,000.00	1,250,504.00
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations	2,052,497.95	2,527,501.95

SUMMARY OF REVENUES

3. Miscellaneous Revenues:

Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations	2,052,497.95	2,527,501.95
Total Miscellaneous Revenues	9,849,864.13	10,324,868.13

5. Subtotal General Revenues	14,567,847.21	15,042,851.21
7. Total General Revenues	40,065,753.68	40,546,253.68

8. GENERAL APPROPRIATIONS

(E) Deferred Charges and Statutory Expenditures-
Municipal Excluded from "CAPS"

Special Emergency Authorizations – 5 Years	720,000.00	1,200,500.00
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	6,781,213.68	7,261,713.68
(L) Subtotal General Appropriations	37,165,753.68	37,646,253.68
9. Total General Appropriations	40,065,753.68	40,546,253.68

SUMMARY OF APPROPRIATIONS

(E) Total Deferred Charges	720,000.00	1,200,500.00
Total General Appropriations	40,065,753.68	40,546,253.68

DEDICATED SEWER UTILITY BUDGET

10. DEDICATED REVENUES FROM SEWER UTILITY

Special Items of General Revenue Anticipated with Prior
Written Consent of the Director of Local Government Services

FEMA Disaster Assistance – Hurricane Sandy	105,000.00	140,000.00
Total Sewer Utility Revenues	6,674,600.00	6,709,600.00

11. APPROPRIATIONS FOR SEWER UTILITY

Deferred Charges and Statutory Expenditures:

DEFERRED CHARGES:

Special Emergency Authorizations	100,000.00	135,000.00
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TOTAL SEWER UTILITY APPROPRIATIONS	6,674,600.00	6,709,600.00
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DEDICATED MARINA UTILITY BUDGET

11. APPROPRIATIONS FOR MARINA UTILITY

Disaster Assistance – Restoration of Marina Facilities	500,000.00	300,000.00
Deferred Charges and Statutory Expenditures: DEFERRED CHARGES: Special Emergency Authorizations	200,000.00	400,000.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended and that a copy be forwarded to the Chief Financial Officer and the Township Auditor.

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 04/22/13



Richard J. Cuttrell, Municipal Clerk

← **TABLED**

RESOLUTION #13-216B - 4/22/13

ADOPT 2013 TOWNSHIP OF NEPTUNE MUNICIPAL BUDGET

BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$24,298,856.47 for municipal purposes; and, \$1,199,050.00 for the minimum library levy:

General Revenues

Surplus Anticipated	3,250,000.00
Miscellaneous Revenues Anticipated	10,324,864.13
Receipts from Delinquent Taxes	1,467,983.08
Local Tax for Municipal Purposes	24,304,352.47
Local Tax for Minimum Library Levy	1,199,050.00
Total Revenues	40,546,253.68

General Appropriations

Within "CAPS"	
Operations including contingent	27,152,894.00
Deferred Charges and Statutory Expenditures	3,231,646.00
Excluded from "CAPS"	
Operations	2,700,775.18
Capital Improvements	100,000.00
Deferred Charges	720,000.00
Municipal Debt Service	3,260,438.50
Reserve for Uncollected Taxes	2,900,000.00
Total General Appropriations	40,546,253.68

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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-217 - 4/22/13

PROMOTE POLICE OFFICER TO THE POSITION OF DEPUTY CHIEF OF POLICE

WHEREAS, there is a vacancy in the position of Deputy Chief of Police; and,

WHEREAS, the Chief of Police has made his recommendation; and,

WHEREAS, funds will be provided for the first four 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 James Hunt be and is hereby promoted to the position of Deputy Chief of Police in the Township of Neptune effective May 1, 2013; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute an Employment Agreement with the Deputy Chief, a copy of which is on file in the Office of the Municipal Clerk; 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 04/22/13

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

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-218 - 4/22/13

PROMOTE OFFICERS TO VARIOUS RANKS AND ASSIGN OFFICERS
TO THE DETECTIVE BUREAU IN THE POLICE DEPARTMENT

WHEREAS, at the request of the Chief of Police, the Business Administrator posted for Sergeant, Lieutenant and Captain positions in the Police Department; and,

WHEREAS, the resumes which were submitted were reviewed by the Chief of Police and interviews were conducted; and,

WHEREAS, the Chief of Police has submitted his recommendation to officers to the rank of Sergeant, Lieutenant and Captain; and,

WHEREAS, the Chief of Police has also recommended that officers be assigned to the Detective Bureau; and,

WHEREAS, funds will be provided for the first four 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 the following Police Officers in the Township of Neptune be and are hereby promoted to the rank as herein stated, effective May 1, 2013, as recommended by the Chief of Police:

To Captain of Police

Michael J. Emmons

To Lieutenant of Police

Scott T. Cox

To Sergeant of Police

J. Hunter Ellison and Paul Monahan

BE IT FURTHER RESOLVED, that the following officers are hereby assigned to the Detective Bureau and shall receive the appropriate Detective stipend as indicated in P.B.A Local #74 and F.O.P. Local #19 contracts effective May 1, 2013:

Assigned to Detective Bureau

Kevin O'Donnell and Gregory Washington

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Chief Financial Officer, Assistant C.F.O., Business Administrator 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 04/22/13



Richard J. Cuttrel, Municipal Clerk

RESOLUTION #13-219 - 4/22/13

EMPLOY TOURISM REPRESENTATIVES FOR THE 2013 SUMMER SEASON

WHEREAS, there is a need for personnel to operate the Tourism Bureau for the 2013 Summer Season; and,

WHEREAS, funds will be provided for the first four 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 Kathryn Goslee, Carol Bernard and Debbie Clark be and are hereby employed as Tourism Representatives in the Tourism Bureau not to exceed an average of 25 hours per week per employee or an average of 40 hours per week in total staffing beginning April 16, 2013 and ending October 1, 2013, at \$12.54 per hour; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tourism Bureau, Chief Financial Officer, Business Administrator, 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 04/22/13

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

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-220 – 4/22/13

AUTHORIZE THE EXECUTION OF A COMMODITY RESALE AGREEMENT
WITH THE COUNTY OF MONMOUTH

WHEREAS, *N.J.A.C. 5:34-7.15* authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and,

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174 – MCCRS), for the period of September 30, 2013 through September 30, 2018; and,

WHEREAS, it would be in the best interest of this Municipality to become or remain a member of the Monmouth County Commodity Resale System for that period,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth; and,

BE IT FURTHER RESOLVED, that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to Stephen G. Callas, Director, Office of Shared Services, County of Monmouth, Hall of Records Annex, First Floor, 1 East Main Street, Freehold, New Jersey 07728.

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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-221 - 4/22/13

ACCEPT THE RESIGNATION OF VICTOR SANTOS AS A
SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, the Township Committee has received a letter from Victor Santos resigning as a Special Law Enforcement Officer – Class I in the Police Department effective April 10, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Victor Santos as a Special Law Enforcement Officer – Class I in the Police Department is hereby accepted effective April 10, 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 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 04/22/13

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

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-222 – 4/22/13

EXTEND DEADLINE FOR PAYMENT OF SUMMER DOCKAGE FEES
AT THE MUNICIPAL MARINA

WHEREAS, due to the ongoing repairs and improvements at the Municipal Marina as a result of damage from Hurricane Sandy, the start of the summer dockage season will be delayed; and,

WHEREAS, in consideration the Harbor Master recommends that the deadline for payment for 2013 summer dockage fees be extended from April 1st to May 31st,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the deadline for full payment of 2013 summer dockage fees be and is hereby extended from April 1st to May 31st; and,

BE IT FURTHER RESOLVED, that late fees shall be charged for payments made after May 31st in accordance with rates established by Resolution #12-395; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Harbor Master, Chief Financial Officer, Business Administrator, Assistant C.F.O. and Deputy Tax Collector.

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 04/22/13

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

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-223 – 4/22/13

AMEND BOAT RAMP DAILY FEE AND ADOPT ADDITIONAL RATES
FOR THE MUNICIPAL MARINA

WHEREAS, on October 22, 2012, the Neptune Township Committee adopted Resolution #12-395 which established a Marina Rate Schedule for the Municipal Marina; and,

WHEREAS, the Harbor Commission recommends that the boat ramp daily fee be amended and rates for launching/haul-out and land storage be established,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves the following changes to Resolution #12-395 which established the 2013 Marina Rate Schedule, said changes to be effective immediately and in effect until otherwise amended by subsequent resolution of the Township Committee:

c. Boat ramp

Daily - One boat or PWC - \$10.00 single use/\$20.00 round trip

Daily - Two PWCs same trailer - \$10.00 single use/\$20.00 round trip

(Annual boat ramp charges remain unchanged as established by Resolution #12-395)

l. Launching/Haul-out fees (based on length overall)

Launch from trailer/haul-out to trailer -	\$6.50 per foot
Short haul-out (slings) -	\$5.00 per foot/per hour
Haul-out and blocking (including re-launch) -	\$12.00 per foot
Emergency haul-out/blocking -	\$17.00 per foot

m. Land Storage

Short term land storage (up to 14 days) -	\$20.00 per day
Short term land storage (15 to 30 days) -	\$25.00 per day
Daily land storage (more than 30 days) -	\$5.00 per foot/per day

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Harbor Master, Marina Bookkeeper, Township Chief Financial Officer, Township Business Administrator, Township Assistant C.F.O. and Township Clerk.

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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-224 – 4/22/13

AUTHORIZE THE CANCELLATION AND REFUND OF
SUMMER DOCKAGE AT THE MUNICIPAL MARINA

WHEREAS, Michael Formichella has made a deposit in the amount of \$744.00 for summer dockage fees at the Municipal Marina; and,

WHEREAS, Mr. Formichella utilizes his vessel for a commercial charter business and has charters booked beginning April 27, 2013 and continuing throughout the boating season; and,

WHEREAS, due to the ongoing repairs and improvements at the Municipal Marina as a result of damage from Hurricane Sandy, the start of the summer dockage season will be delayed past April 27th; and,

WHEREAS, Mr. Formichella has requested a refund of his summer dockage deposit so that he can dock elsewhere on the Shark River; and,

WHEREAS, given the nature of the operation of Mr. Formichella's vessel and the financial hardship that would be created by the inability to operate his charter business, the Harbor Master recommends a refund of the deposit for summer dockage fees,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized to cancel and refund the 2013 Summer Dockage deposit in the amount of \$744.00 as stated herein; and,

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

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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-225 - 4/22/13

PLACE LIEN ON 25 SOUTH RIVERSIDE DRIVE

WHEREAS, Ordinance #843 of the Township of Neptune states that when a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Code Enforcement Supervisor may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Code Enforcement Supervisor determined that the condition of the property listed below constituted such a threat; and,

WHEREAS, the Code Enforcement Supervisor has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Code Enforcement Supervisor has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
481/34	25 South Riverside Drive	1,785.00

BE IT FURTHER RESOLVED, that a copy of this resolution along with the Code Enforcement Supervisor's report be forwarded to the Tax Collector.

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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-226 - 4/22/13

EMPLOY SPECIAL LAW ENFORCEMENT OFFICERS
IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

WHEREAS, there is a need for additional Special Law Enforcement Officers – Class I in the Police Department on a part-time hourly basis; and,

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

WHEREAS, the Chief of Police has made his recommendations; and,

WHEREAS, funds will be provided for the first four 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 Matthew C. McDonough, Tyrell J. Thompson, Christina M. Nesheiwat and Marcus A. Neal be and are hereby employed as part-time Special Law Enforcement Officers - Class I, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, and effective upon successful completion of the Special Law Enforcement Officer – Class I training at the Monmouth County Police Academy at an hourly rate as established by prior resolution of the Township Committee; 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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-227 - 4/22/13

CONFIRM EMPLOYMENT OF PART-TIME TEMPORARY PLUMBING INSPECTOR

WHEREAS, the Township Plumbing Sub-Code Official was on vacation from April 12th through April 19th; and,

WHEREAS, on August 9, 2013, the Construction Official notified the Business Administrator of the need to employ a part-time temporary Plumbing Inspector to cover plumbing inspections during this period; and,

WHEREAS, the Township Committee desires to confirm the employment of this temporary employee at this time; and,

WHEREAS, funds will be provided for the first four 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, that the Township Committee of the Township of Neptune hereby confirms the employment of Philip Price as part-time temporary Plumbing Inspector for the period April 12, 2013 through April 19, 2013 not to exceed thirty hours at an hourly rate of \$35.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Construction Official, 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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-228 - 4/22/13

APPOINT MEMBER TO THE ROOMING AND BOARDING SITE LICENSURE BOARD

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Herbert Herbst be and is hereby appointed to the Rooming and Boarding Site Licensure Board for a three year term expiring April 30, 2016; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary to the Rooming and Boarding Site Licensure Board.

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 04/22/13

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

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-229 - 4/22/13

AUTHORIZE EXECUTION OF A TEMPORARY CONSTRUCTION/ACCESS EASEMENT
WITH THE OCEAN GROVE CAMP MEETING ASSOCIATION FOR
REPAIRS TO THE WESLEY LAKE WALL

WHEREAS, the Ocean Grove Camp Meeting Association owns a parcel of land identified as Block 146.03, Lot 1, also known as Lake Avenue, adjacent to Wesley Lake; and,

WHEREAS, the Township needs to make repairs and improvements to the Wesley Lake wall requiring access to Wesley Lake and the existing wall area over a portion of Block 146.03, Lot 1, for purposes of construction equipment to reach Wesley Lake; and,

WHEREAS, the aforesaid construction work not only serves to stabilize the banks of Wesley Lake, but may assist in addressing erosion and drainage problems on the Association's property,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor and Clerk to execute a Temporary Construction/Right of Entry Agreement/Access Easement with the Ocean Grove Camp Meeting Association to allow the Township access to Association property known as Lake Avenue to permit repairs and improvements to the Wesley Lake wall; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, 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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-230 - 4/22/13

AUTHORIZE THE CLOSING OF STREETS IN CONNECTION WITH
A HURRICANE SANDY BENEFIT CONCERT AT RIVERSIDE PARK

WHEREAS, various community organizations have scheduled a concert to benefit residents impacted by Hurricane Sandy on Saturday, June 1, 2013 at Riverside Park on South Riverside Drive; and,

WHEREAS, it is necessary to temporarily close streets and designate no parking on the streets bordering Riverside Park during the event; and,

WHEREAS, the Police Department has reviewed and approved these closures,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates the temporary closure and posting of temporary no parking on the following streets on June 1, 2013 from 10:00 A.M. to 7:00 P.M.:

South Riverside Drive between Prospect Avenue and Hillcrest Avenue
Highland Avenue between South Riverside Drive and Valley Road
Melrose Place between South Riverside Drive and Valley Road

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Sgt. Zarro, Director of Public Works, Fire Inspector 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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-231 – 4/22/13

GRANT GOVERNING AUTHORITIES' RIGHT OF ENTRY ONTO PRIVATE PROPERTY
WITHOUT OBTAINING PERMISSION OF OWNER AND CONCERNING
OTHER MATTERS TO FACILITATE RECOVERY FROM HURRICANE SANDY

WHEREAS, Hurricane Sandy struck the State of New Jersey, inflicting unprecedented damage throughout the State, and causing catastrophic flooding and damage to communities across the State of New Jersey, including the Township of Neptune, which has threatened the safety and security of the citizens of the Township of Neptune, along with private property and public facilities and,

WHEREAS, the Governor of the State of New Jersey on October 27, 2012, declared a state of emergency for the entire state pursuant to Executive Order No. 104, and such is currently still in effect (a copy of said Executive Order is attached as Attachment A); and,

WHEREAS, the President of the United States declared a major disaster for the State of New Jersey, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5121 *et seq.* (the "Stafford Act") which, by subsequent amendments, includes all counties in the State; and,

WHEREAS, N.J.S.A. 40:48-2.13 confers upon the local governing authority, Township of Neptune, the power to remove debris from private property without a court order or the owner's consent, if conditions constitute a health or safety hazard; and,

WHEREAS, N.J.S.A. 26:3-48, N.J.S.A. 26:3-49, N.J.S.A. 26:3-50, and N.J.S.A. 26:3-53 confer upon the local governing authority, Township of Neptune and Monmouth County Board of Health, the power to remove debris from private property without a court order or the owner's consent, upon due notice, if the debris is the cause of ill health or disease; and,

WHEREAS, the New Jersey Department of Health has issued a notice dated December 7, 2012, pursuant to N.J.S.A. 26:1A-26 (the "Commissioner's Notice"), finding that certain kinds of accumulated storm-generated debris on public and private property constitute a public health hazard and are the cause of ill health or disease (a copy of the Commissioner's Notice is attached as Attachment B); and,

WHEREAS, the New Jersey Attorney General has issued an opinion letter addressed to the Federal Emergency Management Agency (FEMA), dated December 7, 2012, (the "Attorney General's Letter"), stating that under New Jersey law a municipality has the power to authorize the removal of debris from its jurisdiction, without a court order or the owner's consent, upon due notice, if conditions constitute a health or safety hazard (a copy of the Attorney General's Letter is attached as Attachment C); and,

WHEREAS, N.J.S.A. 40:48-2.13, N.J.S.A. 26:3-48, N.J.S.A. 26:3-49, N.J.S.A. 26:3-50, and N.J.S.A. 26:3-53 authorize the local governing authority to remove debris from private property following a hurricane, upon due notice, if the authority determines that such removal is necessary for the public welfare, or to protect the public from ill health or disease; and,

WHEREAS, an emergency exists of the nature provided for in the Attorney General's Letter referred to above, which triggers the local governing authority's right of entry on private property when the landowner is not available to sign a Right of Entry form in order to remove debris in the public interest to eliminate an immediate threat to public safety, health, and welfare,

NOW THEREFORE, BE IT RESOLVED, for the reasons recited above and in exercise of powers vested in us as the Township Committee of the Township of Neptune, we now hereby specifically find, determine and certify as follow:

1. Removal of Hurricane Sandy-generated debris from private property is necessary and in the public interest to eliminate immediate threats to life, public health and safety as determined by the Commissioner's Notice.
2. Under N.J.S.A. 40:48-2.13, N.J.S.A. 26:3-48, N.J.S.A. 26:3-49, N.J.S.A. 26:3-50, and N.J.S.A. 26:3-53, the Township of Neptune and Monmouth County Board of Health have the legal responsibility, duty and authority to remove debris from private property.
3. Based upon "1" and "2" above, we have determined to exercise these authorities to enter onto private property in order to abate the declared public health nuisance and safety emergency by removal of the hurricane-generated debris.
4. We certify that before we initiate removal, when at all practicable, we will satisfy all the legal processes and receive all legal permissions to carry out these actions of debris removal on private property through the use of rights of entry with indemnity clauses signed by the property owner/those with legal interest in the property or we shall use a legal process for condemnation or nuisance abatement.
5. There may be circumstances where, because of the immediate urgency of the situation, the procedures of obtaining a Right of Entry or pursuing a condemnation proceeding, as set out in paragraph "4" above, may be too time consuming. We then will act under the auspices of the attached Attorney General's Letter and the attached Commissioner's Notice which together confirm the legal basis under law for the Township of Neptune and Monmouth County Board of Health to proceed to remove the debris on these private properties utilizing its police power. We certify that Township of Neptune and Monmouth County Board of Health has a written process to determine which properties will require this extraordinary process to protect the public safety. In these circumstances, a reasonable period of time will be provided for public notification before private property debris removal will commence. During this period a homeowner may inform the Township of Neptune and Monmouth County Board of Health that entry is denied. This request will be respected unless it is determined that protection of the public interest requires Township of Neptune and Monmouth County Board of Health action in which case the forgoing emergency process will take precedence.
6. The Township of Neptune and Monmouth County Board of Health will recognize and respect all laws and regulations that concern historic preservation and environmental protection.

7. As required by section 407(b) of the Stafford Act (42 U.S.C. 5173(b)), Township of Neptune and Monmouth County Board of Health hereby agrees that it shall indemnify and hold harmless the Federal Government and its respective employees, agents, contractors, and subcontractors from any claims arising from debris removal. The Township of Neptune and Monmouth County Board of Health hereby acknowledges that, in accordance with section 305 of the Stafford Act (42 U.S.C. § 5148), the Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Act.
8. To avoid duplication of benefits pursuant to section 312 of the Stafford Act (42 U.S.C. § 5155) the Township of Neptune and Monmouth County Board of Health will obtain from private property owners, who participate in this debris removal program, information and documentation relating to insurance coverage, proceeds and settlements and provide this information and documentation to the New Jersey Office of Emergency Management and FEMA.
9. This Resolution shall apply to all private properties in the Township of Neptune with the municipal addresses within areas that require debris removal in the public interest in order to eliminate immediate threats to life, public health, and safety.

April 22, 2013

Eric J. Houghtaling, Mayor

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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-232 – 4/22/13

AUTHORIZE THE CANCELLATION AND REFUND OF
SUMMER DOCKAGE AT THE MUNICIPAL MARINA

WHEREAS, Robert Pollock has made a deposit in the amount of \$720.00 for summer dockage fees at the Municipal Marina; and,

WHEREAS, Mr. Pollock has indicated that due to circumstances caused by Hurricane Sandy, he will be unable to place his boat in the water for the season; and,

WHEREAS, Mr. Pollock has requested that a portion of the summer dockage deposit be applied to winter land storage fees and the balance be refunded; and,

WHEREAS, given the circumstances caused by Hurricane Sandy, the Harbor Master recommends a refund of the deposit for summer dockage fees minus the amount of payment due for winter land storage,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized to cancel the 2013 Summer Dockage deposit in the amount of \$720.00 as stated herein; and,

BE IT FURTHER RESOLVED, that the amount refunded to Mr. Pollock shall be \$526.00 with the remaining amount of \$194.00 being applied to an outstanding winter storage fee; and,

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

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 04/22/13

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

Richard J. Cuttrel, Municipal Clerk

RESOLUTION #13-233 - 4/22/13

SUPPORT LEGISLATION TO PROTECT RESIDENTIAL PROPERTY TAXPAYERS
FROM THE LOSS OF TELECOMMUNICATIONS TAX SUPPORT

WHEREAS, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

WHEREAS, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax ("BPPT"); and

WHEREAS, the statute defines local exchange companies as those telecommunications carriers "providing dial tone and access to 51% of a local telephone exchange"; and

WHEREAS, Verizon's self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

WHEREAS, Hopewell Borough's challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

WHEREAS, Verizon's appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation's self-serving interpretation of the law; and

WHEREAS, as things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose more millions in the future; and

WHEREAS, remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments; and

WHEREAS, we anticipate the introduction of companion legislation by Senator Bob Smith, as soon as the Senate next convenes;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune commends Assemblyman Caputo and Senator Smith and strongly supports A-3393, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation; and

BE IT FURTHER RESOLVED, that we urge our State Senator and our representatives in the General Assembly to join as co-sponsors of A-3393 and its companion bill; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon Bramnick, the Honorable Senate Republican Leader Thomas H. Kean, Jr., and our own State Senator and Representatives in the General Assembly, and to the New Jersey State League of Municipalities.

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 04/22/13

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

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-234 - 4/22/13

REQUEST THAT THE FEDERAL GOVERNMENT REIMBURSE NEPTUNE TOWNSHIP
RESIDENTS FOR THE ENTIRE COST OF RAISING HOMES TO COMPLY WITH THE
ADVISORY BASE FLOOD ELEVATIONS

WHEREAS, on October 29, 2012, Hurricane Sandy made landfall in the State of New Jersey and inflicted unprecedented damage and catastrophic flooding across coastal communities, including the Township of Neptune; and,

WHEREAS, the Federal Emergency Management Agency (FEMA) released Advisory Base Flood Elevations (ABFE) and Advisory Flood Hazard Maps (AFHM) in December 2012; and

WHEREAS, on January 24, 2013, Governor Christie announced an emergency rule that mandates that the ABFE and the AFHM be the standard for new construction and substantial improvement throughout the entire state; and,

WHEREAS, many of the flood impacted areas within the Township of Neptune have changed to a higher base flood elevation and the residents in substantially damaged homes are required to raise their homes to comply with these higher standards; and,

WHEREAS, the financial impact of the cost of raising homes to comply with the new standards is significant and the \$30,000 benefit from the Increased Cost of Compliance Program is insufficient to reimburse the residents; and.

WHEREAS, due to this financial hardship, the Township Committee of the Township of Neptune believes that the Federal Government should reimburse the complete cost of raising homes in the Township of Neptune to comply with the mandated higher base flood elevations; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune requests that the Federal Government authorize complete reimbursement of the cost of raising homes to comply with the Advisory Base Flood Elevations; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the President of the United States, Senator Frank R. Lautenberg, Senator Robert Menendez, Congressman Chris Smith, the Federal Emergency Management Agency and the New Jersey State League of Municipalities.

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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-235 - 4/22/13

APPLY FOR A GREEN ACRES PROGRAM GRANT FOR
SHARK RIVER MARINA IMPROVEMENTS

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to non-profit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and,

WHEREAS, the Township of Neptune desires to further the public interest by obtaining a loan of \$0 and/or grant of \$600,000.00 from the State to fund the following project: Shark River Marina Improvements; and,

NOW, THEREFORE, the Township Committee of the Township of Neptune resolves that Michael J. Bascom or the successor to the office of Chief Financial Officer is hereby authorized to:

- a) make application for such a loan and/or such a grant;
- b) provide additional application information and furnish such documents as may be required;
- c) act as the authorized correspondent of the above named applicant; and,

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and,

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project,

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

1) That the Chief Financial Officer of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State for the project known as Shark River Marina Improvements; and,

2) That the applicant has its matching share of the project, if a match is required, in the amount \$1,311,395.00.

3) That in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and,

4) The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.

5) That this resolution shall take effect immediately.

I, Richard J. Cuttrell, Municipal Clerk of the Township of Neptune do hereby certify that the foregoing is a true copy of a resolution adopted by the Township Committee of the Township of Neptune at a meeting held on the 22nd day of April, 2013.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 22nd day of April, 2013.

Seal

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-236 - 4/22/13

AWARD BID FOR MAINTENANCE OF TOWNSHIP GROUNDS

WHEREAS, on April 3, 2013, the Purchasing Agent received bids for the award of a contract for maintenance of Township grounds; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by GreenLeaf Landscape Systems & Service, 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 will be provided for the first four 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 funds in subsequent years will be subsequent year's budgets, 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 GreenLeaf Landscape Systems & Service, Inc. on their lowest responsible bid of \$353,298.00 (\$117,766 annually) for maintenance and fertilizer of municipal grounds for a period of three years; and,

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

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 04/22/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-237 – 4/22/13

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	3,835,412.30
FEDERAL & STATE GRANT FUND	17,590.00
TRUST OTHER	10,107.25
GENERAL CAPITAL FUND	13,245.96
SEWER OPERATING FUND	18,374.81
MARINA OPERATING FUND	126,970.15
DOG TRUST	7,945.00
UDAG RECIPROCAL	84,785.50
LIBRARY TRUST	967.50
BILL LIST TOTAL	\$4,115,398.47

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 04/22/13



Richard J. Cuttrell, Municipal Clerk