

**TOWNSHIP COMMITTEE WORKSHOP MEETING – JULY 8, 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 – MCIA guaranty ordinance for Ocean Grove Fire District.
2. Discussion – Rent Control.
3. Discussion – West Lake Avenue Building B2 PILOT Agreement.
4. Discussion – Wawa site at Highways 33 & 35.
5. Update on Hurricane Sandy recovery/outstanding parking lot items.
6. Review Committee calendars/follow-up on outstanding issues from previous meeting.

Res. # 13-314 – 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 – JULY 8, 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<br>The Coaster               |
| Dr. Michael Brantley | _____                 |  |
| Mary Beth Jahn       | _____                 | Anthony Panissidi<br>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](http://www.neptunetownship.org).

**APPROVAL OF MINUTES**

Motion offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to approve the minutes of the meetings held on April 8<sup>th</sup> and April 22<sup>nd</sup>.

**REPORT OF THE CLERK**

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

Rosemary Gray sent letters of thanks to the following individuals and organization for recent donations to the Senior Center: Christopher Gifford, Ruth & Michael Harrigan, Darrell Bozarth, Don Bartlett, Ruby Wright, Peg Steneck, Patti Amberg, Elizabeth Burns, Rutgers Master Gardeners, Frances Nikovits, Valaida Albert & Loretta Allen, Villas Gardening Club and P.B.A. Local #74.

**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. (No public hearings scheduled for this meeting)

**ORDINANCE NO. 13-24** - 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 Abbott Avenue. - First Reading

*Explanatory Statement: This ordinance authorizes the installation of a handicapped parking stall in front of 115 Abbott Avenue.*

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

**ORDINANCE NO. 13-25** - An ordinance authorizing the guaranty by Township of Neptune, New Jersey or payment of principal and interest on the Capital Equipment Lease Revenue Bonds, Series 2013 (the Township of Neptune Fire District #2 Project) of the Monmouth County Improvement Authority – First Reading

*Explanatory Statement: This ordinance authorizes the Township to guaranty the payment of the principal and interest on the Capital Equipment Lease Revenue Bonds, Series 2013 of The Monmouth County Improvement Authority in connection with the purchase of a Class A pumper by Neptune Township Fire District #2. The Fire District will be responsible for the payment of principal and interest through its annual budget. The Township is providing the guaranty of said payment.*

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

The Public Hearings on Ordinances 13-24 and 13-25 will be held on Monday, July 22, 2013.

**CONSENT AGENDA**

Res. # 13-315 – Waive municipal portion of construction permit fees and dumpster fees for World Changers rehabilitation projects.

Res. # 13-316 – Confirm the completion of site plan improvements at Heritage Estates by Travelers Indemnity Company and release all surety bonds and developer’s escrow in accordance with approved Settlement Agreement.

Res. # 13-317 – Authorize the endorsement of the Tax Sale Certificate affecting Block 8000, Lot 5 (3122 West Bangs Avenue)

Res. # 13-318 – Authorize an amendment to the 2013 municipal budget to realize monies from the Municipal Court Alcohol Education, Rehabilitation and Enforcement Program.

Res. # 13-319 – Accept the resignation of Michael Panteleon as a Special Law Enforcement Officer in the Police Department.

Res. # 13-320 – Approve the transfer of Taxi Medallion License No. 023.

Res. # 13-321 – Extend deadline for payment and provide cancellation or credit of a portion of summer

dockage fees at the Municipal Marina.

Res. # 13-322 – Support application of TRF Development Partners for Neighborhood Enhancement Program funding for Schoolhouse Square.

Res. # 13-323 – Place lien on various properties.

Res. # 13-324 – Employ on-call Tourism Representative for the 2013 summer season.

Res. # 13-325 – Authorize the refund of taxes as a result of an overpayment.

Res. # 13-326 – Authorize the cancellation of sewer rent (101 Anelve Avenue).

Res. # 13-327 – Accept the resignation of Richard Brennan as an on-call Bus Driver in the Senior Center.

Res. # 13-328 – Authorize the purchase of energy generation services for public use through an online auction web site.

Res. # 13-329 – Rescind refund of summer dockage fee authorized by Resolution #13-282.

Res. # 13-330 – Authorize the submission of a Grant Application and execution of a Grant Agreement for the development of a Strategic Recovery Planning Report.

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

Res. # 13-331 – Authorize Change Order #1 in connection with Improvements to Green Grove Road – Phase II.

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

Res. # 13-332 – Declare that the proposed West Lake Avenue Building B2 Project meets an existing housing need and authorize the execution of an Agreement for payment in lieu of taxes.

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

Res. # 13-333 – 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. 13-24

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 ABBOTT 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>   |
|-----------------------|----------------------|---|
| Abbott Avenue         | 1                    | North side of Abbott Avenue beginning 25 feet west of the northwest intersection of Abbott Avenue and Delaware 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. 13-25

AN ORDINANCE AUTHORIZING THE GUARANTY BY TOWNSHIP OF NEPTUNE, NEW JERSEY OR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2013 (THE TOWNSHIP OF NEPTUNE FIRE DISTRICT #2 PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

BE IT ORDAINED by the TOWNSHIP COUNCIL OF THE TOWNSHIP OF NEPTUNE, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et. seq., the Township of Neptune New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2013 (Township of Neptune Fire District #2 Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution ) under the resolution of the Authority entitled "Capital Equipment Lease Revenue Bond Resolution (Township of Neptune Fire District #2 Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Township of Neptune Fire District #2 (the "Board") pursuant to a lease and agreement to be entered into by the Authority and the Board (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

- (1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Board's equipment as set forth in Schedule A which will be subject to the Lease and to pay the Board's share of the costs of issuance, but in no event shall such principal amount exceed \$468,000.
- (2) The Bonds shall mature within eleven years of the date of issue.
- (3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrel,  
Municipal Clerk

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Eric J. Houghtaling,  
Mayor



**SCHEDULE A - EQUIPMENT LIST**

**Township of Neptune Fire District**

| <u>Equipment</u> | <u>Useful Life<br/>(Years)</u> | <u>Lease Term<br/>(Years)</u> | <u>Estimated Cost</u> |
|------------------|--------------------------------|-------------------------------|-----------------------|
| Class A Pumper   | 10                             | 10                            | \$400,000             |

## **NOTICE**

The Ordinance published herewith was introduced and passed upon first reading at a regular meeting of the governing body of the Township of Neptune, New Jersey, held on July 8, 2013. It will be further considered for final passage after public hearing thereon at a meeting of the governing body to be held at the Municipal Building, 25 Neptune Boulevard, in said Township on July 22, 2013 at 7:00 o'clock p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Richard J. Cuttrell  
Clerk

## **STATEMENT**

The Ordinance published herewith has been finally adopted on July 22, 2013 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such Ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement.

Richard J. Cuttrell  
Clerk

RESOLUTION #13-314 – 7/8/13

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:

Contract negotiations – Use and Occupancy Agreement for Green Acres encroachment  
Personnel – Housing Authority vacancy and Environmental/Shade Tree alternate member

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.

RESOLUTION #13-315 - 7/8/13

WAIVE MUNICIPAL PORTION OF CONSTRUCTION PERMIT FEES AND  
DUMPSTER FEES FOR WORLD CHANGERS REHABILITATION PROJECTS

WHEREAS, World Changers is performing roof rehabilitation projects that require construction permits and dumpsters; and,

WHEREAS, World Changers is a non-profit volunteer organization providing home improvement projects at various locations throughout the Township; and,

WHEREAS, the Township Committee desires to authorize a waiver of the construction permit and dumpster fees associated with these projects,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby waives the municipal portion of the construction fee permits and all dumpster fees for repairs being performed by World Changers for the reasons as stated herein; and,

BE IT FURTHER RESOLVED, that this resolution does not waive the requirement to obtain applicable construction permits and the performance of construction inspections; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Construction Official and Community Programs Coordinator.

RESOLUTION #13-316 - 7/8/13

CONFIRM THE COMPLETION OF SITE PLAN IMPROVEMENTS AT HERITAGE ESTATES BY TRAVELERS INDEMNITY CO. AND RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW IN ACCORDANCE WITH APPROVED SETTLEMENT AGREEMENT

WHEREAS, Dykeman Associates, Inc. filed a performance guarantee written by Gulf Insurance Company in the amount of \$649,363.30 guaranteeing the performance of site improvements at the project known as Fairways at Heritage Estates, located on Green Grove Road (Block 10000, Lot 6); and,

WHEREAS, a subsequent resolution adopted by the Township Committee reduced the amount of said bond to \$164,809.08; and,

WHEREAS, on March 25, 2013, the Township Committee adopted resolutions to affirm default of Dykeman Associates for roadway improvements and to enter into a Settlement Agreement with Travelers Indemnity Company (as successor in interest for Gulf Insurance Company) to make necessary repairs and pave roadways within the Fairways at Heritage Estates development; and,

WHEREAS, on July 1, 2013, the Township Engineer certified that the required improvements were complete; and,

WHEREAS, in accordance with the Settlement Agreement, Travelers Indemnity Company is now entitled to the release of the performance bond and payment of the cash performance guarantee posted by the Developer in the amount of \$18,312.12 together with any accrued interest being held by the Township,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby confirms the completion of site plan improvements at Heritage Estates by Travelers Indemnity Company in accordance with the terms of a Settlement Agreement executed on March 25, 2013; and,

BE IT FURTHER RESOLVED, that the release of the performance bond as stated herein is hereby authorized to Travelers Indemnity Company; and,

BE IT FURTHER RESOLVED, that the remaining balance in the cash performance guarantee account in the amount of \$18,312.12, plus any accrued interest, be and is hereby authorized to be paid to Travelers Indemnity Company; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township Engineer, Township Attorney, Construction Official and Travelers Indemnity Company.

RESOLUTION #13-317 - 7/8/13

AUTHORIZE THE ENDORSEMENT OF THE TAX SALE CERTIFICATE  
AFFECTING BLOCK 8000, LOT 5 (3122 WEST BANGS AVENUE)

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to endorse for cancellation the Tax Title Lien Certificate affecting Block 8000, Lot 5 (3122 West Bangs Avenue); and,

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

RESOLUTION #13-318 - 7/8/13

AUTHORIZE AN AMENDMENT TO THE 2013 MUNICIPAL BUDGET TO REALIZE  
MONIES FROM THE MUNICIPAL COURT ALCOHOL EDUCATION,  
REHABILITATION AND ENFORCEMENT PROGRAM

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2013 in the sum of \$3,377.58 which is now available from the Municipal Alcohol Education & Rehabilitation Program in the amount of \$3,377.58; and,

BE IT FURTHER RESOLVED that the like sum of \$3,377.58 is hereby appropriated under the caption of Municipal Alcohol Education & Rehabilitation Program; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Courts Municipal Court Alcohol Education, Rehabilitation and Enforcement Program in the amount of \$3,377.58; and,

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

Vote:

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



RESOLUTION #13-319 - 7/8/13

ACCEPT THE RESIGNATION OF MICHAEL PANTELEON AS A  
SPECIAL LAW ENFORCEMENT OFFICER IN THE POLICE DEPARTMENT

WHEREAS, the Township Committee has received a letter from Michael Panteleon resigning as a Special Law Enforcement Officer – Class II in the Police Department effective June 20, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Michael Panteleon as a Special Law Enforcement Officer – Class II in the Police Department is hereby accepted effective June 20, 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., and Deputy Chief of Police.

RESOLUTION #13-320 - 7/8/13

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 023

WHEREAS, Saif Khan is the owner of Neptune Township Taxi Medallion No. 023; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Zafar Khan; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 023 to Zafar Khan; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

RESOLUTION #13-321 – 7/8/13

EXTEND DEADLINE FOR PAYMENT AND PROVIDE CANCELLATION OR CREDIT OF A PORTION 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 was delayed until July 1, 2013; and,

WHEREAS, in consideration the Harbor Master recommends that the deadline for payment for 2013 summer dockage fees be extended from May 31<sup>st</sup> to July 31<sup>st</sup>; and,

WHEREAS, in addition, the Harbor Master recommends that the official start of the 2013 summer dockage season be established as July 1<sup>st</sup> instead of the usual April 1st date; and,

WHEREAS, the length of the 2013 summer dockage season is therefore 62.5% of a normal summer dockage season and the amount of summer dockage fee should reflect a corresponding reduction,

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

1) The deadline for full payment of 2013 summer dockage fees be and is hereby extended from May 31<sup>st</sup> to July 31<sup>st</sup>.

2) Late fees shall be charged for payments made after July 31<sup>st</sup> in accordance with rates established by Resolution #12-395.

3) Due to the shortened summer dockage season, the amount of 2013 summer dockage fees shall be set at 62.5% of the amount of summer dockage fees established by Resolution #12-395.

4) Customers who have paid fees in full, or paid an amount in excess of the revised fee amount, will receive a credit for the excess payment towards either 2013 winter storage fees or 2014 summer dockage fees. Summer dockage fees in excess of the 62.5% amount will be cancelled for customers who have not paid in full.

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.

RESOLUTION #13-322 – 7/8/13

SUPPORT APPLICATION OF TRF DEVELOPMENT PARTNERS FOR NEIGHBORHOOD  
ENHANCEMENT PROGRAM FUNDING FOR SCHOOLHOUSE SQUARE

WHEREAS, the State of New Jersey has announced the availability of Neighborhood Enhancement Program funding as part of the Hurricane Sandy Recovery Program; and,

WHEREAS, TRF Development Partners has indicated their desire to apply for funding under this program to reduce the purchase price of homes constructed at the Schoolhouse Square housing project; and,

WHEREAS, this funding would further redevelopment in Neptune Township and provide much needed affordable homeownership opportunities,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby supports the application of TRF Development Partners' application for Neighborhood Enhancement Program funding in the amount of \$392,000 to enhance the affordability of homes in the Schoolhouse Square Project; and,

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

RESOLUTION #13-323 - 7/8/13

PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where 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 Director of Code Enforcement 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 Director of Code Enforcement determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Director of Code Enforcement 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 Director of Code Enforcement 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> |
|------------------|-------------------------------|---------------|
| 9003/12          | 723 John Terrace              | \$ 380.00     |
| 9005/16          | 12 Kenneth Terrace            | 285.00        |
| 9007/24          | 712 Doris Terrace             | 380.00        |
| 9012/11          | 801 Ruth Drive                | 190.00        |
| 487/281          | 200 Hillside Drive            | 190.00        |
| 20/572           | 28 Main Avenue                | 190.00        |
| 9057/2           | 5 Sherwood Drive              | 550.00        |
| 7005/6           | 12 Coral Way                  | 354.75        |
| 304.23/6         | 309 Hollywood                 | 409.75        |
| 169/172.03       | 405 ½ Atkins Avenue           | 186.75        |
| 158/8            | 10 Vanderbilt Place           | 186.75        |
| 274/84.01        | 1549 8 <sup>th</sup> Avenue   | 186.75        |
| 204/237          | 1310 ½ 8 <sup>th</sup> Avenue | 186.75        |
| 167/327          | 604 Ridge Avenue              | 124.50        |
| 201.01/28        | 1309 11 <sup>th</sup> Avenue  | 622.50        |
| 394/44           | 508 Lakewood Road             | 633.60        |
| 6002/11          | 103 Olive Street              | 206.80        |
| 440/33           | 508 Couse Road                | 167.20        |
| 6000/13          | 106 Olive Street              | 514.80        |
| 196/4            | 159 Myrtle Avenue             | 230.00        |

|                  |                        |               |
|------------------|------------------------|---------------|
| 193/202          | 402 Fisher Avenue      | 415.00        |
| 215/107          | 155 Fisher Avenue      | 415.00        |
| <u>BLOCK/LOT</u> | <u>ADDRESS</u>         | <u>AMOUNT</u> |
| 217/95           | 203 Fisher Avenue      | 622.50        |
| 7019/2.01        | 3454 West Bangs Avenue | 830.00        |
| 253/25           | 1918 Milton Avenue     | 415.00        |
| 175/516          | 1205 Embury Avenue     | 440.00        |
| 266.03/197       | 1914 Greenwood Avenue  | 415.00        |
| 335/38           | 3002 Highway 33        | 440.00        |
| 194/4            | 313 Myrtle Avenue      | 924.00        |
| 192/68.01        | Summerfield Avenue     | 497.20        |
| 189/97.01        | 503 Fisher Place       | 184.80        |
| 10021/9          | 17 Toomin Drive        | 602.80        |
| 3029/18          | 801 Halton Court       | 677.60        |
| 9005/4           | 734 Gail Drive         | 604.45        |

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

RESOLUTION #13-324 - 7/8/13

EMPLOY ON-CALL TOURISM REPRESENTATIVE FOR THE 2013 SUMMER SEASON

WHEREAS, there is a need for an on-call Tourism Representative in the Tourism Bureau for the 2013 Summer Season; and,

WHEREAS, this on-call employee will work in the absence of the Tourism Representatives employed by Resolution #13-219 and will not result in an increase in the total number of employee hours in the Tourism Bureau; and,

WHEREAS, funds will be provided in the appropriation entitled \_\_\_\_\_, known as Account No. \_\_\_\_\_, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Shirleen Dorman be and is hereby employed as an on-call Tourism Representative in the Tourism Bureau not to exceed an average of 25 hours per week effective July 9, 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.

RESOLUTION #13-325 - 7/8/13

AUTHORIZE THE REFUND OF TAXES  
AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund;  
and,

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

| <b>BLOCK</b> | <b>LOT</b> | <b>ASSESSED TO</b> | <b>ADDRESS</b>           | <b>YEAR</b> | <b>AMOUNT</b> |
|--------------|------------|--------------------|--------------------------|-------------|---------------|
| 1302         | 11         | KIERNAN            | 22 ELM DR                | 2013        | 1,426.25      |
| 237          | 5          | DINKINS            | 1903 BROCKTON AV         | 2013        | 1,021.64      |
| 209          | 5          | PARKER             | 1421 7 <sup>TH</sup> AVE | 2013        | 778.36        |

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



RESOLUTION #13-326 - 7/8/13

AUTHORIZE THE CANCELLATION OF SEWER RENT  
(101 ANELVE AVENUE)

WHEREAS, the Tax Collector has requested the cancellation of sewer rent to the property listed below,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the Tax Collector be and hereby is authorized to cancel Sewer Rent as stated herein; and,

| <b>BLOCK/LOT</b> | <b>ASSESSED TO</b>    | <b>ADDRESS</b> | <b>YEAR</b> | <b>AMOUNT</b> |
|------------------|-----------------------|----------------|-------------|---------------|
| 188/1            | Johnie & Katie McLean | 101 Anelve Ave | 2013        | 440.00        |

**REASON:** Property has been billed for five units and is now four units

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

RESOLUTION #13-327 - 7/8/13

ACCEPT THE RESIGNATION OF RICHARD BRENNAN AS AN  
ON-CALL BUS DRIVER IN THE SENIOR CENTER

WHEREAS, the Township Committee has received a letter from Richard Brennan resigning as an on-call Bus Driver in the Senior Center effective July 1, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Richard Brennan as an on-call Bus Driver in the Senior Center is hereby accepted effective July 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 Senior Center Director.

RESOLUTION #13-328 - 7/8/13

AUTHORIZE THE PURCHASE OF ENERGY GENERATION SERVICES  
FOR PUBLIC USE THROUGH AN ONLINE AUCTION WEBSITE

WHEREAS, Neptune Township has determined to proceed with the EMEX Reverse Auction in order procure electricity for Neptune Township; and,

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of energy generation service for public use through the use of an online auction service; and,

WHEREAS, Neptune Township will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at [www.energymarketexchange.com](http://www.energymarketexchange.com); and,

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and,

WHEREAS, the auction will be conducted pursuant to the Local Unit Technology Pilot Program and Study Act,

WHEREAS, if the auction achieves a price of \$0.0960 / kWh or less for a 12 month term, a price of \$0.0932 or less for an 18 month term, or a price of \$0.0922 / kWh or less for a 24 month term; Neptune Township may award a contract to the winning supplier for the selected term,

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 on behalf of Neptune Township any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.0960 / kWh or less for a 12 month term, a price of \$0.0932 or less for an 18 month term, or a price of \$0.0922 / kWh or less for a 24 month term; and,

BE IF FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded to the Business Administrator, Chief Financial Officer, Township Engineer and Assistant C.F.O.

RESOLUTION #13-329 – 7/8/13

RESCIND REFUND OF SUMMER DOCKAGE FEE AUTHORIZED  
BY RESOLUTION #13-282

WHEREAS, on June 10, 2013, the Township Committee adopted Resolution #13-282 which authorized the cancellation and refund of payments for summer dockage or kayak storage for several Municipal Marina clients; and,

WHEREAS, one of the individuals, Robert Forsyth, is now remaining at the Municipal Marina so it is necessary to rescind the previously authorized refund of summer dockage fees,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the refund of 2013 summer dockage fees, authorized by Resolution #13-282, to Robert Forsyth in the amount of \$553.00 as be and is hereby rescinded; and,

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

RESOLUTION #13-330 – 7/8/13

AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION  
OF A GRANT AGREEMENT FOR THE DEVELOPMENT OF A  
STRATEGIC RECOVERY PLANNING REPORT

WHEREAS, the Township of Neptune desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$30,000.00 to develop a Strategic Recovery Planning Report,

THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune does hereby authorize the application for such a grant; and,

BE IT FURTHER RESOLVED, that the Township Committee recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Neptune and the New Jersey Department of Community Affairs; and,

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

Approved: July 8, 2013

\_\_\_\_\_  
Eric J. Houghtaling,  
Mayor

\_\_\_\_\_  
Michael J. Bascom,  
Chief Financial Officer

I certify the foregoing to be a true and correct abstract of a resolution regularly passed at a meeting of the Governing Body of the Township of Neptune held on July 8, 2013 and that respect a true and correct copy of its minutes.

\_\_\_\_\_  
Richard J. Cuttrel,  
Municipal Clerk

RESOLUTION #13-331 - 7/8/13

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH  
IMPROVEMENTS TO GREEN GROVE ROAD – PHASE II

WHEREAS, a contract was awarded to Lucas Construction Group in the amount of \$418,914.97 in connection with Improvements to Green Grove Road – Phase II; and,

WHEREAS, changes to the contract have been experienced as a result of using the unit pricing under said contract to pave New York Road and Albany Road as well as replacing 380 linear feet of sanitary sewer line and installing two new manholes on New York Road; and,

WHEREAS, this change has been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinance No. 11-19 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 Mayor and Clerk be and are hereby authorized to execute Change Order #1 in the contract with Lucas Construction Group in connection with Improvements to Green Grove Road – Phase II resulting in a net increase of \$60,525.00 revising the total contract amount to \$479,439.97; and,

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

RESOLUTION #13-332 - 7/8/13

DECLARE THAT THE PROPOSED WEST LAKE AVENUE BUILDING B2 PROJECT  
MEETS AN EXISTING HOUSING NEED AND AUTHORIZE THE EXECUTION  
OF AN AGREEMENT FOR PAYMENT IN LIEU OF TAXES

WHEREAS, CityWorks West Lake, LLC (hereinafter referred to as the "Sponsor") proposes to construct a mixed use housing project containing 26 apartments for families known as West Lake Avenue Building B2 (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the municipality of the Township of Neptune (hereinafter referred to as the "Municipality") on a site described as Lot 612-619, Block 218.02 as shown on the Official Assessment Map of the Township of Neptune, Monmouth County and commonly known as 1800-1806 West Lake Ave; and

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

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

WHEREAS, the Sponsor has presented to the Municipal Committee a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune (the "Committee") that:

- (1) The Committee finds and determines that the proposed Project will meet or meets an existing housing need;
- (2) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (3) The Committee does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of

taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B"; and

- (4) The Committee hereby authorizes and directs the Mayor of the Township of Neptune to execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and
- (5) The Committee understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and municipality.



AGREEMENT FOR PAYMENT IN LIEU OF TAXES

THIS AGREEMENT, made this 8<sup>th</sup> day of July, 2013, between CityWorks West Lake, LLC, a limited liability company of the State of New Jersey, having its principal office at 122 West State Street, Trenton, NJ 08608 (hereinafter the "Sponsor") and the Township of Neptune, a municipal corporation in the County of Monmouth and State of New Jersey (hereinafter the "Municipality").

WITNESSETH

In consideration of the mutual covenants herein contained and for other good and valuable consideration, it is mutually covenanted and agreed as follows:

1. This Agreement is made pursuant to the authority contained in Section 37 of the New Jersey Housing and Mortgage Finance Agency Law of 1983 (N.J.S.A. 55:14K-1 et seq.) (hereinafter "HMFA Law") and a Resolution of the Council of the Municipality dated July 8, 2013, (the "Resolution") and with the approval of the New Jersey Housing and Mortgage Finance Agency (hereinafter the "Agency"), as required by N.J.S.A. 55:14K-37.

2. The Project is or will be situated on that parcel of land designated as Block 218.02, Lots 612-619 as shown on the Official Assessment Map of the Township of Neptune, and more commonly referred to as 1800-1806 West Lake Avenue, Neptune, New Jersey.

3. As of the date the Sponsor executes a first mortgage upon the Project in favor of the Agency (hereinafter referred to as the "Agency Mortgage"), the land and improvements comprising the Project shall be exempt from real property taxes, provided that the Sponsor shall make payments in lieu of taxes to the Municipality as provided hereinafter. The exemption of the Project from real property taxation and the sponsor's obligation to make payments in lieu of taxes shall not extend beyond the date on which the Agency Mortgage is paid in full, which, according to the HMFA Law, may not exceed fifty (50) years.

4. (a) For projects receiving construction and permanent financing from the Agency, the Sponsor shall make payment to the Municipality of an annual service charge in lieu of taxes in such amount as follows:

- (1) From the date of the execution of the Agency Mortgage until the date of substantial completion of the Project, the Sponsor shall make payment to the municipality in an amount equal to \_N/A\_ (pursuant to the HMFA Law, the annual amount may not exceed the amount of taxes due on the property for the year preceding the recording of the Agency Mortgage). As used herein, "Substantial Completion" means the date upon which the Municipality issues the Certificate of Occupancy for all units in the Project.

(2) From the date of Substantial Completion of the Project and for the remaining term of the NJHMFA Mortgage, the Sponsor shall make payment to the Municipality in an amount equal to 10.5 percent of Project Revenues.

(b) For Projects receiving permanent financing only from the Agency, the Sponsor shall make payment to the Municipality in an amount equal to 10.5 percent of Project Revenues from the date of the Agency Mortgage and for the remaining term of the Agency Mortgage.

(c) As used herein, "Project Revenues" means the total annual gross rental or carrying charge or other income of the Sponsor from the Project less the costs of utilities furnished by the Project, which shall include the costs of gas, electricity, heating fuel, water supplied, and sewage charges, and less vacancies if any. Project Revenues shall not include any rental subsidy contributions received from any federal or state program.

(d) The amount of payment in lieu of taxes to be paid pursuant to paragraphs (a) or (b) and (c) above is calculated in Exhibit "A" attached hereto. It is expressly understood and agreed that the revenue projections provided to the Municipality as set forth in Exhibit "A" and as part of the Sponsor's application for an agreement for payments in lieu of taxes are estimates only. The actual payments in lieu of taxes to be paid by the Sponsor shall be determined pursuant to Section 5 below.

5. (a) Payments by the Sponsor shall be made on a quarterly basis in accordance with bills issued by the Tax Collector of the Municipality in the same manner and on the same dates as real estate taxes are paid to the Municipality and shall be based upon Project Revenues of the previous quarter. No later than three (3) months following the end of the first fiscal year of operation after (i) the date of Substantial Completion (for projects receiving construction and permanent financing) or (ii) the date of the Agency Mortgage (for projects receiving permanent financing only) and each year thereafter that this Agreement remains in effect, the Sponsor shall submit to the Municipality a certified, audited financial statement of the operation of the Project (the "Audit"), setting forth the Project Revenues and the total payments in lieu of taxes due to the Municipality calculated at 6.28 percent of Project Revenues as set forth in the Audit (the "Audit Amount"). The Sponsor simultaneously shall pay the difference, if any, between (i) the Audit Amount and (ii) payments made by the Sponsor to the Municipality for the preceding fiscal year. The Municipality may accept any such payment without prejudice to its right to challenge the amount due. In the event that the payments made by the Sponsor for any fiscal year shall exceed the Audit Amount for such fiscal year, the Municipality shall credit the amount of such excess to the account of the Sponsor.

(b) All payments pursuant to this Agreement shall be in lieu of taxes and the Municipality shall have all the rights and remedies of tax enforcement granted to Municipalities by law just as if said payments constituted regular tax obligations on real property within the

Municipality. If, however, the Municipality disputes the total amount of the annual payment in lieu of taxes due it, based upon the Audit, it may apply to the Superior Court, Chancery Division for an accounting of the service charge due the Municipality, in accordance with this Agreement and HMFA Law. Any such action must be commenced within one year of the receipt of the Audit by the Municipality.

(c) In the event of any delinquency in the aforesaid payments, the Municipality shall give notice to the Sponsor and NJHMFA in the manner set forth in 9(a) below, prior to any legal action being taken.

6. The tax exemption provided herein shall apply only so long as the Sponsor or its successors and assigns and the Project remain subject to the provisions of the HMFA Law and Regulations made thereunder and the supervision of the Agency, but in no event longer than the term of the Agency Mortgage. In the event of (a) a sale, transfer or conveyance of the Project by the Sponsor or (b) a change in the organizational structure of the Sponsor, this Agreement shall be assigned to the Sponsor's successor and shall continue in full force and effect so long as the successor entity qualifies under the HMFA Law or any other state law applicable at the time of the assignment of this Agreement and is obligated under the Agency Mortgage.

7. Upon any termination of such tax exemption, whether by affirmative action of the Sponsor, its successors and assigns, or by virtue of the provisions of the HMFA Law, or any other applicable state law, the Project shall be taxed as omitted property in accordance with the law.

8. The Sponsor, its successors and assigns shall, upon request, permit inspection of property, equipment, buildings and other facilities of the Project and also documents and papers by representatives duly authorized by the Municipality. Any such inspection, examination or audit shall be made during reasonable hours of the business day, in the presence of an officer or agent of the Sponsor or its successors and assigns.

9. Any notice or communication sent by either party to the other hereunder shall be sent by certified mail, return receipt requested, addressed as follows:

(a) When sent by the Municipality to the Sponsor, it shall be addressed to 122 West State Street, Trenton, NJ 08608 or to such other address as the Sponsor may hereafter designate in writing and a copy of said notice or communication by the Municipality to the Sponsor shall be sent by the Municipality to the New Jersey Housing and Mortgage Finance Agency, 637 South Clinton Avenue, P.O. Box 18550, Trenton, New Jersey 08650-2085.

(b) When sent by the Sponsor to the Municipality, it shall be addressed to the Township of Neptune, 25 Neptune Blvd. Neptune NJ 07753 or to such other address as the Municipality may designate in writing; and a copy of said notice or communication by the Sponsor to the Municipality shall be sent by the Sponsor to the New Jersey Housing and Mortgage Finance Agency, 637 South Clinton Avenue, P.O. Box 18550, Trenton, New Jersey

08650-2085.

10. In the event of a breach of this Agreement by either of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein, either party may apply to the Superior Court, Chancery Division, to settle and resolve said dispute in such fashion as will tend to accomplish the purposes of the HMFA Law.

11. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. It shall not be necessary in making proof of this Agreement to produce or account for more than a sufficient number of counterparts to evidence the execution of this Agreement by each party hereto.

ATTEST

SPONSOR:

\_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

ATTEST

MUNICIPALITY:

\_\_\_\_\_  
Richard J. Cuttrell, Clerk

By: \_\_\_\_\_  
Eric J. Houghtaling, Mayor

RESOLUTION #13-333 – 7/8/13

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               | 398,276.20   |
| FEDERAL & STATE GRANT FUND | 13,472.00    |
| TRUST OTHER                | 48,267.86    |
| GENERAL CAPITAL FUND       | 128,822.23   |
| SEWER OPERATING FUND       | 16,592.87    |
| SEWER CAPITAL FUND         | 12,012.62    |
| MARINA OPERATING FUND      | 13,045.72    |
| MARINA CAPITAL FUND        | 62,034.00    |
| DOG TRUST                  | 7,477.00     |
| UDAG RECIPRICAL TRUST      | 9,532.83     |
| LIBRARY TRUST              | 2,227.83     |
| BILL LIST TOTAL            | \$711,761.16 |

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