

**TOWNSHIP COMMITTEE WORKSHOP MEETING – JULY 28, 2014 – 6:00 P.M.**

Mayor Brantley 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	_____
Eric J. Houghtaling	_____
Mary Beth Jahn	_____
Kevin B. McMillan	_____
Dr. Michael Brantley	_____

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

Mayor Brantley 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, 2014 and the Asbury Park Press on January 2, 2014, 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 – Snow removal ordinance.
2. Discussion – Public Relations Specialist.
3. Discussion – Traffic calming.
4. Review Committee calendars/update on outstanding issues and capital items.  
- Various on-going capital improvement projects.

Res. # 14-368 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

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

**TOWNSHIP COMMITTEE MEETING – JULY 28, 2014 – 7:00 P.M.**

Mayor Brantley 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
Eric J. Houghtaling	_____	
Mary Beth Jahn	_____	Anthony Panissidi Asbury Park Press
Kevin B. McMillan	_____	
Dr. Michael Brantley	_____	

Also present at the dais: Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; Gene Anthony, Township Attorney; 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 Brantley 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, 2014 and the Asbury Park Press on January 2, 2014, 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 meeting held on July 14<sup>th</sup>.

**REPORT OF THE CLERK**

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

Senior Center newsletter for August and minutes of the June 25<sup>th</sup> Senior Advisory Council meeting.

Thank you letters to Deputy Chief Hunt, Lt. Larry Fisher and Officer Lavendero for their participation in the Language Infusion Group at Jersey Shore University Medical Center.

Rosemary Gray sent letter of thanks to the following for recent donations to the Senior Center: Edith Reid, Susan Mead, Helen DeSarno, Arlene Weingartner, Lawrence J. Pergola, Jr., MariaGrace & Peter Bravman, Elizabeth Wolny, George Heyson, Nicholas Napolitano, Victor D'Anna and family, Edgar Halpin, Mary Moore, Joan Hunziker, Catholic Men for Jesus Christ, Wegmans, Burt Beam, Forever Young Group, Antoinette Ensenat, Virginia Faust, Michele D'Amato, Sue Radford, Louise Mohlehhoff & Bob Jenkins, Dee Reinhold, Thomas Donohue, Patti Amberg, Joan Letts, Theresa Scalcione, June Newman and American Legion Post #346.

**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 RESOLUTION TO HIRE THREE POLICE OFFICERS**

Public comments regarding Resolution 14-369. The public will be permitted one visit to the microphone with a limit of five minutes.

Res. # 14-369 – Employ three police officers on a probationary basis.

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

**PUBLIC HEARING – GREEN ACRES APPLICATION FOR ACQUISITION OF PROPERTIES IN SHARK RIVER HILLS PRONE TO COASTAL FLOODING**

Public Comments regarding the Township’s Green Acres Application to acquire properties in Shark River Hills prone to coastal flooding. The public will be permitted one visit to the microphone with a limit of five minutes.

Res. # 14-370 – Apply for a Green Acres Program Grant/Loan for acquisition of various properties in Shark River Hills prone to coastal flooding.

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

**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. 14-24 - An ordinance to amend the Land Development Ordinance of the Township of Neptune by rezoning certain properties along Route 66 to C-1 Planned Commercial Development Zone – Final Reading

*Explanatory statement: This ordinance amends the Land Development Ordinance by rezoning certain properties fronting along Route 66 to the C-1 Zone.*

Public Hearing:

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

ORDINANCE NO. 14-25 - An ordinance to amend the Land Development Ordinance of the Township of Neptune by rezoning Block 9025, Lots 53, 54, 55, 55.01 from C-1 Planned Commercial to R-2 Residential – Final Reading

*Explanatory statement: This ordinance amends the Land Development Ordinance by rezoning Block 9025, Lots 53, 54, 55, 55.01 from C-1 to R-2.*

Public Hearing:

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

ORDINANCE NO. 14-26 - An ordinance to amend the Land Development Ordinance of the Township of Neptune by amending Section 404.04 entitled C-1 Planned Commercial Development – Final Reading

*Explanatory statement: This ordinance amends the Land Development Ordinance by amending the uses permitted in the C-1 Planned Commercial Development Zone.*

Public Hearing:

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

ORDINANCE NO. 14-27 - An ordinance to amend the Land Development Ordinance of the Township of Neptune by amending Section 412.18 entitled Parking in Front Setback. – Final Reading

*Explanatory statement: This ordinance amends the Land Development Ordinance by amending the provisions for permitted parking in front yard setbacks.*

Public Hearing:

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

ORDINANCE NO. 14-28 - An ordinance to amend Chapter IV of the Code of the Township of Neptune creating rent control, protective tenancy and Rent Leveling Board – First Reading

*Explanatory statement: This ordinance amends and clarifies certain aspects of the existing Rent Control Ordinance including notice requirements, definition of capital improvement, elimination of the tenant credit for a tax reduction and further defining vacancy re-control.*

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

ORDINANCE NO. 14-29 - Bond ordinance amending and supplementing Bond Ordinance Number 14-13 (which provides for the development of Veterans Park by and in the Township) heretofore finally adopted by the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey, on March 24, 2014, to increase the appropriation therein to \$1,000,000, to increase the authorization of bonds or notes therein to \$950,000 and to increase the down payment therein to \$50,000 – First Reading

*Explanatory statement: Amending Bond Ordinance Number 14-13, (which provides for the development of Veterans Park) to increase the appropriation, the authorization of bonds or notes therein, the down payment and Section 20 costs to provide for the additional costs of such improvements.*

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

ORDINANCE NO. 14-30 - Bond Ordinance amending and supplementing Bond Ordinance Number 11-05 (which provides for the undertaking of the Concourse/Seaview Island Flood Mitigation Project) heretofore finally adopted by the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey, on January 24, 2011, to increase the appropriation therein to \$850,000, to increase the authorization of bonds or notes therein to \$399,353 and to increase the down payment therein to \$20,470.25 – First Reading

*Explanatory statement: Amending bond ordinance number 11-05, (which provides for the Concourse/Seaview Island Flood Mitigation Project) to increase the appropriation, the authorization of bonds or notes therein, the down payment and Section 20 costs to provide for the additional costs of such improvements.*

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

ORDINANCE NO. 14-31 - An ordinance to amend Volume I, Chapter II, Section 2-10 of the Code of the Township of Neptune entitled Police Department – First Reading

*Explanatory statement: This ordinance fully amends and updates the ordinance establishing the administrative responsibilities and structure of the Police Department.*

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

ORDINANCE NO. 14-32 - An ordinance to amend Volume I, Chapter VII, Section 7-21 of the Code of the Township of Neptune entitled Handicapped Parking – First Reading

*Explanatory statement: This ordinance sets forth the procedure to establish an on-street handicapped parking stall designated for use by Neptune Township residents only.*

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

The Public Hearings on Ordinances 14-28 through 14-32 will be held on Monday, August 11, 2014.

### **CONSENT AGENDA**

Res. # 14-371 – Place lien on various properties.

Res. # 14-372 – Amend resolution to employ temporary seasonal personnel through the Urban Gateway Enhancement Program.

Res. # 14-373 – Authorize the closing of streets and temporary no parking in connection the Fall Harvest Festival.

Res. # 14-374 – Reclassify two Public Safety Officers to the position of Senior Public Safety Officer.

Res. # 14-375 – Appoint Senior Citizen representatives to the Monmouth County Division on Aging, Disabilities and Veterans Affairs quarterly Municipal Coordinators meeting.

Res. # 14-376 – Release all surety bonds and developers escrow for site improvements at 2109 Heck Avenue.

Res. # 14-377 – Authorize an amendment to the 2014 municipal budget to realize monies from the United States Department of Justice.

Res. # 14-378 – Authorize an amendment to the 2014 municipal budget to realize monies from the New Jersey Department of Law & Public Safety.

Res. # 14-379 – Acknowledge the retirement of four employees from the Department of Public Works.

Res. # 14-380 – Authorize an amendment to the 2014 municipal budget to realize monies from the Division of Highway Traffic Safety.

Res. # 14-381 – Authorize a Cooperative Pricing Agreement between the Township of Neptune and the Houston - Galveston Area Council, as Lead Agency.

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

Res. # 14-382 – Employ Driver in the Department of Public Works on a probationary basis.

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

Res. # 14-383 – Authorize the payment of bills.

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

**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. 14-28

AN ORDINANCE TO AMEND CHAPTER IV OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF NEPTUNE CREATING RENT CONTROL, PROTECTIVE TENANCY AND RENT LEVELING BOARD

WHEREAS, the governing body of the Township of Neptune adopted a general Rent Control Ordinance on August 12, 2013, with the definition section amended in September, 2013, and as a result of a Settlement Agreement in the Superior Court of New Jersey case of Third Garden Park, Ltd. Partnership and Metpark II, LLC v. Township of Neptune, Docket No. L-3730-13, further amendments appear to be appropriate and in order,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that Chapter IV of the General Ordinances of the Township of Neptune creating Rent Control, Protective Tenancy and Rent Leveling Board is hereby amended as follows:

4-30 RENT CONTROL

4-30.3 Rent Increase; Notice Required.

b. Any landlord seeking a rent increase, a lease renewal or an agreement to extend or renew leases shall provide notice of said action in writing to the tenant at least sixty (60) days prior to the effective date of increase renewal, extension or other action and further that no tenant shall be required to sign any such rent increase notice, renewal or agreement to extend or renew lease until such tenant has had the opportunity to review the documents for a period of five (5) business days.

4-30.4 Appeal by Landlord.

b. Landlord may seek an additional surcharge for major capital improvements or services. To qualify for a major improvement surcharge, claimant must show a benefit to the tenant in the form of improved lifestyle, convenience, ease and/or security, and compliance with the definition of capital improvements found in the Internal Revenue Code. The landlord must notify each tenant of the total cost of the completed capital improvement or service, the number of years of useful life of the improvement as claimed by the landlord for purposes of depreciation for income tax purposes, the cost of the improvement, the total number of square feet to the dwelling or garden apartment complex, the total square feet occupied by the tenant and the capital improvement surcharge he is seeking from each tenant. The landlord seeking a capital improvement or service surcharge shall appeal for the surcharge to the Rent Leveling Board who shall determine if the improvement is a major improvement and if so, may permit such increase to take place and may direct that the increase shall be collected in equal monthly payments spread over the useful life of the capital improvement. If the increase is granted it shall not be considered rental and calculated in the cost of living increases. In any event, no increase authorized by this section shall exceed fifteen (15%) percent of the tenant's rent.

4-30.8 Tax Reduction; Tenant Credit.

This section is hereby repealed in its entirety.

4-30.12 Vacant Housing Decontrolled, Recontrolled.

Upon the voluntary, uncoerced or court authorized termination of a tenancy, during or at the end of any lease, the rent shall be decontrolled and the rent may be raised by the landlord without regard to the limitations imposed by this ordinance. The rent to be charged to a new tenant, as well as the rent previously charged for the same space, shall be reported to the Rent Leveling Board within fifteen (15) days of renting the space. Upon re-rented, the rental space shall be considered recontrolled to the same extent and under the same conditions as any space originally controlled.

Failure to report the information required within the fifteen (15) days specified shall result in the rental space remaining controlled to the same extent and under the same conditions as if it had not been vacant and any rental charged the new tenant in excess of that controlled rate shall be void.

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

---

Dr. Michael Brantley,  
Mayor



ORDINANCE NO. 14-29

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 14-13 (WHICH PROVIDES FOR THE DEVELOPMENT OF VETERANS PARK BY AND IN THE TOWNSHIP) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON MARCH 24, 2014, TO INCREASE THE APPROPRIATION THEREIN TO \$1,000,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$950,000 AND TO INCREASE THE DOWN PAYMENT THEREIN TO \$50,000

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 bond ordinance of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), heretofore finally adopted by the Township Committee on March 24, 2014, numbered 14-13 and entitled, "BOND ORDINANCE PROVIDING FOR THE DEVELOPMENT OF VETERANS PARK, BY AND IN THE TOWNSHIP OF NEPTUNE IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON TOWNSHIP OWNED PROPERTY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as follows:

SECTION 2. For the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$200,000, said sum being inclusive of \$10,000 as the amount of an additional down payment as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), now available therefor from the General Capital Improvement Fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or capital improvement purposes. Therefore, the total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to \$1,000,000, including the sum of \$50,000 as the total down payment available therefor.

SECTION 3. (a) In order to finance the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, not covered by the additional down payment, additional negotiable bonds or notes of the Township in the amount of \$190,000 are hereby authorized to be issued by the Township, such that the total authorization of negotiable bonds or notes to be issued by the Township for the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$950,000.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is \$950,000.

(c) The estimated cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$1,000,000.

SECTION 4. The capital budget of the Township is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Programs as approved by the Director of the Division of Local Government, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services"), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 5. The following additional matters are hereby determined, declared, recited and stated:

(a) 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, 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 amendatory and supplemental bond ordinance by \$190,000, and the said obligations authorized herein will be within all debt limitations prescribed by Law.

(b) For the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of \$150,000 is hereby included for items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items of expense \$350,000, such total amount being included in the estimated cost indicated herein for the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby.

SECTION 6. The Township reasonably expects to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance, as amended and supplemented hereby, and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 6 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance, as amended and supplemented hereby, to be incurred and paid prior to the issuance of bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, used to reimburse the Township for any expenditures toward the cost of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement

of any expenditures of bond proceeds “replacement proceeds”, within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same “Controlled Group” within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, to reimburse the Township for any expenditures toward the cost of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, will be issued in an amount not to exceed \$950,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, will be “capital expenditures” in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 7. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds or notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 8. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

---

Richard J. Cuttrell,  
Municipal Clerk

---

Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 14-30

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 11-05 (WHICH PROVIDES FOR THE UNDERTAKING OF THE CONCOURSE/SEAVIEW ISLAND FLOOD MITIGATION PROJECT) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON JANUARY 24, 2011, TO INCREASE THE APPROPRIATION THEREIN TO \$850,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$399,353 AND TO INCREASE THE DOWN PAYMENT THEREIN TO \$20,470.25

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 bond ordinance of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), heretofore finally adopted by the Township Committee on January 24, 2011, numbered 11-05 and entitled, "BOND ORDINANCE PROVIDING FOR THE CONCOURSE/SEAVIEW ISLAND FLOOD MITIGATION PROJECT, BY AND IN THE TOWNSHIP OF NEPTUNE IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING \$650,000.00 THEREFOR (INCLUDING A \$430,176.75 GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY) AND AUTHORIZING THE ISSUANCE OF \$209,353.00 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as follows:

SECTION 2. For the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$200,000, said sum being inclusive of \$10,000 as the amount of an additional down payment as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), now available therefor from the General Capital Improvement Fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or capital improvement purposes. Therefore, the total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to \$850,000, including the sum of \$20,470.25 as the total down payment available therefor.

SECTION 3. (a) In order to finance the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, not covered by the additional down payment, additional negotiable bonds or notes of the Township in the amount of \$190,000 are hereby authorized to be issued by the Township, such that the total authorization of negotiable bonds or notes to be issued by the Township for the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$399,353.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is \$399,353.

(c) The estimated cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$850,000.

SECTION 4. The capital budget of the Township is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Programs as approved by the Director of the Division of Local Government, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services"), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 5. The following additional matters are hereby determined, declared, recited and stated:

(a) 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, 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 amendatory and supplemental bond ordinance by \$190,000, and the said obligations authorized herein will be within all debt limitations prescribed by Law.

(b) For the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of \$100,000 is hereby included for items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items of expense \$200,000, such total amount being included in the estimated cost indicated herein for the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby.

SECTION 6. The Township reasonably expects to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance, as amended and supplemented hereby, and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 6 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance, as amended and supplemented hereby, to be incurred and paid prior to the issuance of bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, used to reimburse

the Township for any expenditures toward the cost of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, to reimburse the Township for any expenditures toward the cost of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, will be issued in an amount not to exceed \$399,353. The costs to be reimbursed with the proceeds of the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 7. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds or notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 8. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

---

Richard J. Cuttrell,  
Municipal Clerk

---

Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 14-31

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED POLICE DEPARTMENT

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 2-10 – Police Department, is hereby amended in its entirety as follows:

§ 2-10.1 Department established.

There is hereby created in and for the Township of Neptune Police Department which shall consist of such employees and officers as shall be deemed necessary by the Township Committee and may include a Police Director and/or a Police Chief in accordance with N.J.S.A. 40A:14-118. The Township Committee shall, from time to time, determine the number of employees and officers of the Police Department, together with their compensation. The structure of the Police Department will include at a maximum, One (1) Police Chief, One (1) Police Director (selected from the full time management staff of the Township), One (1) Deputy Police Chief, Three (3) Captains, Seven (7) Lieutenants, in addition to the number of Sergeants and Patrolman determined by the Township Committee.

§ 2-10.2. Designation of appropriate authority.

In accordance with N.J.S.A. 40A:14-118, the Police Director of Neptune Township is hereby designated as the Appropriate Authority and is hereby vested with the powers and duties of an Appropriate Authority as delegated by law. When the position of Police Director is vacant or not filled, the Township Administrator shall serve as the Appropriate Authority.

§ 2-10.3. Responsibilities of Police Department, Police Director, and Chief of Police.

- A. The Police Department: The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Neptune; direct and control traffic; provide attendance and protection during emergencies; provide appearances in Court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.
- B. Police Director.
  - 1. The Police Director shall report to the Township Committee and shall be responsible for the overall performance of the Police Department. He shall serve as the administrative and executive head of the Police Department. He/she shall adopt and promulgate rules and regulations for the government of the Police



Department and for the discipline of its employees. The Police Director's duties include, but are not limited to:

- a. Establish the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Police Director approve all expenditures with regard to the equipment and supplies.
  - b. Keeping a record of all business transacted by the Police Department and approving all bills for the expense of the Police Department.
  - c. Keeping and maintaining accurate records and submitting an annual report to the Township Committee, on or before January 31, which shall assess the operations of the Police Department, and its personnel, equipment and property.
  - d. Keeping and maintaining all records, reports, documents and other data required to be kept and maintained by the Federal and/or State government.
  - e. Keeping and maintaining a record of all appointments, dismissals, removals, resignations and deaths of officers and other Department employees as they take place, with such other information as may be necessary.
  - f. Developing the annual budget for the Police Department and overseeing any and all expenditures of the Police Department.
  - g. Analyzing crime trends and statistics to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies.
  - h. Evaluating the effectiveness of work program and procedures of all organizational components within the Police Department and developing effective work methods for subordinates.
  - i. Undertaking special studies pertaining to police functions and promoting close coordination of planning efforts.
  - j. Establishing and maintaining helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.
  - k. All such other duties not specifically reserved to the Chief of Police pursuant to N.J.S.A. 40A:14-118.
2. The Chief of Police or designee shall report directly to the Police Director, and the Police Director shall receive daily or other periodic reports, as designated by the Police Director, from the Chief of Police or designee.
  3. The Police Director shall also be responsible for ensuring that all Police Officers

and employees are compensated in accordance with State and Federal Wage and Hour Requirements.

4. The Police Director shall be appointed by the Township Committee. The Police Director shall serve at the pleasure of the Township Committee and may be removed by the Township Committee at their discretion.

C. Chief of Police.

1. If a Police Chief is appointed, he/she shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118. Any other rights, authorities, powers and responsibilities not reserved solely to the Chief of Police by N.J.S.A. 40A:14-118 shall be assumed or delegated by the Police Director.
2. If a Police Chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118, which cannot be performed by the Police Director, shall be delegated to a Chief Law Enforcement Officer, which shall be highest ranking sworn officer, as designated by the Police Director.

§ 2-10.4. Appointment of Officers.

No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey Statutes. The selection criteria for a police officer shall be established in department policy consistent with New Jersey Statutes.

§ 2-10.5. Appointment of Probationary Officers.

The Township Committee shall have the power and authority to appoint such Probationary Officers as in its discretion shall be deemed necessary for the proper maintenance of the Police Department for a period not to exceed one (1) year. (Ord. No. 463 § 1)

§ 2-10.6. Excess Duty During State of Emergency.

- A. Whenever an emergency exists, as provided by Statute or as declared by the Mayor, the Chief of Police is hereby authorized to summon and keep on duty any member of the Police Department for such a period of time in excess of ordinary duty hours which, in the sole discretion of the Chief of Police, is necessary to adequately perform the duties of the Police Department and to preserve public safety and welfare in the Township.
- B. Members of the Police Department shall be compensated for time on duty in excess of their regular hours of duty at the same rate per hour as they are paid for regular duty. This additional compensation shall be in lieu of any compensatory time off and in addition to the regular salary paid to members of the Police Department.

§ 2-10.7. Special Police Officers.

- A. The position of Special Police Officer in the Neptune Township Police Department is hereby established.

- B. The Mayor, subject to the approval by resolution of the Township Committee, shall appoint Special Police Officers for a term not exceeding one (1) year, and shall not revoke such appointments without cause or hearing unless the appointment is for four (4) months or less. Such Special Police Officers shall carry out their duties and responsibilities under the direct supervision of the Chief of Police, and their powers, rights and duties shall be specifically defined by the Chief of Police, pursuant to the statutory duties of a Special Law Enforcement Officer and within the scope of their training as determined by the Police Training Commission. These powers, rights and duties, however, shall immediately cease at the expiration of the term for which they were appointed, or upon revocation of their appointment. The resolution approving appointment of Special Police Officers shall designate the rate of pay if any.
- C. No person shall be appointed as a Special Police Officer unless he or she is a citizen of the United States; is able to read, write, and speak the English language; is physically qualified and of good moral character, and shall not have been convicted of any crime. Every such Special Police Officer shall be fingerprinted and his fingerprints shall be filed with the Division of the State Police and Federal Bureau of Investigation. Reports shall be made by the Chief of Police to the Township Committee concerning the eligibility and qualifications of any person proposed to be appointed a Special Police Officer.
- D. *Class One Officers (Class I)*. Class I Officers shall be authorized to perform routine traffic detail, spectator control and similar duties. Class I Officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes. The use of a firearm by an Officer of this class shall be strictly prohibited and no Class I Officer shall be assigned any duties which may require the carrying or use of a firearm.
- E. *Class Two Officers (Class II)*. Class II Officers shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the commission. Class II Officers are not authorized to carry an off duty weapon.
- F. In accordance with NJSA 40A:14-146-17, the Township Committee may employ a maximum of twenty-five (25) Class II and fifteen (15) Class I Officers.
- G. The Special Police Officer shall be subject to the terms and conditions, rules and regulations of the Personnel Ordinance of the Township of Neptune and subject further to such rules and regulations as shall be established by the Chief of Police and/or Business Administrator.
- H. The Special Police Officer shall be paid such hourly salary as provided for in the salary ordinance of the Township.

§ 2-10.8. Employment of School Crossing Guards.

- A. Pursuant to N.J.S.A. 40A:9-154.1, the Township Committee shall have the power, by resolution, to employ Police Officers to act as School Crossing Guards.
- B. Such Adult School Crossing Guards shall receive compensation as established by resolution of the Township Committee.

(Ord. No. 453 §§ 1, 3)

§ 2-10.9. Establishing the Rules and Regulations of the Police Department.

The Police Director as the "Appropriate Authority" shall, from time to time as may be necessary, adopt and amend the rules and regulations for the government and discipline of the Police Department and employees thereof. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations. All employees of the Police Department shall be subject to such rules and regulations and penalties. Disciplinary hearings shall be conducted by the Township Administrator or his designee.

§ 2-10.10. Disciplinary Actions.

Discipline of employees and police officers will be imposed consistent with New Jersey State statutes and the Rules and Regulations of the Neptune Township Police Department. Employees may be subject to discipline for violating laws, statutes, ordinances, rules and regulations and written directives.

§ 2-10.11. County Mutual Aid Agreement.

- A. Participation by the Township of Neptune in a County-wide compact which shall be known as "The Monmouth County Mutual Aid Agreement" is hereby authorized.
- B. This subsection is created pursuant to N.J.S.A. 40:48-1(6) and N.J.S.A. 40A:14-156.1 and is adopted as a reciprocal agreement with all municipalities participating in the County-wide mutual aid compact. Pursuant to this agreement, the Township of Neptune shall render assistance to any participating municipality by providing members of the Neptune Township Police Department, upon request, to help preserve the public peace and order.
- C. The municipality requesting assistance shall compensate the officers at an agreed-upon rate by forwarding payment to the municipality, which will then compensate those officers who rendered assistance.
- D. In the event that an officer is injured while rendering assistance, the municipality providing assistance shall be primarily responsible for any costs as a result of the injury. Nothing in the Agreement shall serve as a bar to the municipality providing assistance from seeking indemnification from the municipality receiving assistance.
- E. This subsection is separate and distinct from any mutual aid agreements previously entered into between the Township of Neptune and any other municipalities and shall remain in full force and effect until specifically repealed by an affirmative act of the governing body.

SECTION 2

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

#### SECTION 4

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

#### SECTION 5

This Ordinance shall take effect upon its passage and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

---

Richard J. Cuttrell,  
Municipal Clerk

---

Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 14-32

AN ORDINANCE TO AMEND VOLUME 1, CHAPTER VII,  
SECTION 7-21 OF CODE OF THE TOWNSHIP OF NEPTUNE  
ENTITLED "HANDICAPPED PARKING"

WHEREAS, pursuant to N.J.S.A. 39:4-197.6, any municipality, may, by Ordinance, establish a restricted parking zone in front of a residence occupied by a handicapped person if a windshield placard or wheelchair symbol license plates have been issued for a vehicle owned by the handicapped person, or by another occupant of the residence who is a member of the immediate family of the handicapped person, by the Division of Motor Vehicles pursuant to the provisions of P.L. 1949, c.280 (C.39:4-204 et. seq.), provided the permitting thereof would not interfere with the normal flow of traffic; and

WHEREAS, Chapter VII of the Township Code, Section 7-21.1 establishes handicapped parking on streets that are open to the public or to which the public is invited; and

WHEREAS, the Township Committee of the Township of Neptune deems it to be in the best interest of its residents to provide resident handicapped on-street parking regulations in front of residences occupied by handicapped persons.

BE IT ORDAINED by the Township Committee of the Township of Neptune, County of Monmouth and the State of New Jersey that Township Committee hereby amends the Neptune Township Code of Ordinances, Chapter VII, Section 7-21, entitled, "Handicapped Parking" as follows:

SECTION 1

§7-21.7 – "Resident Handicapped On-street Parking"

- a. Purpose. The purpose of this section is to establish a restricted parking ordinance in front of a residence occupied by a handicapped person, which person has been issued a windshield placard or wheelchair symbol license plates for the vehicle owned by the handicapped person.
- b. Statutory Authority. This section is enacted in accordance with N.J.S.A. 39:197.6, which does confer upon the Township a right to establish resident handicapped on-street parking in order to preserve and safeguard the public health, safety and welfare.
- c. Criteria. This section shall be subject to the following criteria:
  1. The person requesting on-street resident handicapped parking is a resident of the Township of Neptune who shall make an application to the Neptune Township Police Department. The application shall be reviewed and approved or denied by the Chief of Police of Neptune Township. A negative determination may be appealed to the Township Committee if a request from the resident aggrieved is received within twenty (20) days from the date of the Chief's declination.

2. The person requesting on-street resident handicapped parking has been issued a wheelchair symbol license plate or windshield placard issued by the New Jersey Division of Motor Vehicles, which is properly displayed in either the handicapped resident's vehicle, or the vehicle of an immediate family member who also resides at that location.
  3. The subject property passes an on-site inspection by the Neptune Township Police Department, which inspection shall determine whether handicapped parking will interfere with the normal flow of traffic or whether there is immediate adjacent off-street parking available to the applicant.
  4. The applicant complies with the provisions of N.J.S.A. 39:4-138(o) and 39:4-197.6 regulating handicapped parking in designated spaces.
  5. Upon approval of an applicant's request for handicapped on-street parking, the Township will enact an appropriate Ordinance designating the name of the subject street, the side of that street where the resident resides, and a description of the allowed parking area in front of the subject residence. Such designation shall be within the property lines of the subject residence, but otherwise shall be subject to the discretion of the Neptune Township Police Department and the Chief of Police.
  6. A sign shall be installed specifically identifying the handicapped on-street parking space as being resident-handicapped parking only, and a special permit shall be issued to the resident, which shall be placed in the window of the subject vehicle or be available for production, if requested by law enforcement, which indicates that the applicant is a handicapped resident in possession of the aforesaid special permit.
- d. Fees. The fee for a Resident Handicapped Parking Permit shall be \$100.00.
- e. Violations and penalties. Any person improperly parking in a properly designated resident handicapped restricted parking space shall be subject to the penalties under Section 7-21.5 and 7-21.6 of this Chapter.

SECTION 2. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

SECTION 3. The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

---

Richard J. Cuttrell,  
Municipal Clerk

---

Dr. Michael Brantley,  
Mayor

RESOLUTION #14-368 – 7/28/14

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:

Litigation – Update on pending litigation

Personnel – Recommendation to fill vacant Driver position

Contract negotiations – Short term disability insurance coverage

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 #14-369 - 7/28/14

EMPLOY THREE POLICE OFFICERS ON A PROBATIONARY BASIS

WHEREAS, due to retirements, there are vacancies in the position of Police Officer; and,

WHEREAS, candidates were interviewed by the Police Department command staff; and,

WHEREAS, the Acting Police Director and Deputy Police Chief have made their recommendations; and,

WHEREAS, funds in the appropriation entitled Police S&W, known as Account No. 240-010 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Christopher Monahan, Angel Marerro, and Christopher Wilson be and are hereby employed as probationary Police Officers in the Police Department, pending favorable results of physical and psychological examinations, at an annual base salary of \$38,243.00, and to perform such other duties as prescribed by the Chief or Deputy Chief of Police effective July 23, 2014; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Deputy Chief of Police, Business Administrator, Chief Financial Officer, Assistant C.F.O, Human Resources, and P.B.A. Local 74.

RESOLUTION #14-370 - 7/28/14

APPLY FOR A GREEN ACRES PROGRAM GRANT/LOAN FOR  
ACQUISITION OF FLOOD PRONE PROPERTIES IN SHARK RIVER HILLS

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 funding in the amount of \$1,820,060.80 (75% grant/25% loan) from the State to fund the following project: Acquisition of the Flood Prone Properties in Shark River Hills at a total cost \$2,426,733.33; 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 Acquisition of Flood Prone Properties in Shark River Hills; and,

2) That the applicant has its matching share of the project, if a match is required, in the amount \$606,683.33.

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 28th day of July, 2014.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 28<sup>th</sup> day of July, 2014.

Seal

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

RESOLUTION #14-371 - 7/28/14

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 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 properties 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>
192/54.01	1706 Summerfield Avenue	\$ 55.00
396/7	535 Glenmere Avenue	375.00
1402/16	4 Jumping Brook Drive	250.00
201.01/28	1309 11 <sup>th</sup> Avenue	297.50

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 #14-372 - 7/28/14

AMEND RESOLUTION TO EMPLOY TEMPORARY SEASONAL PERSONNEL  
THROUGH THE URBAN GATEWAY ENHANCEMENT PROGRAM

WHEREAS, the Township of Neptune received grant funding in the amount of \$32,000.00 through the Urban Gateway Enhancement Program to employ youth on a temporary basis during the summer season; and,

WHEREAS, on July 14, 2014, the Township Committee adopted Resolution #14-351 which authorized the employment of temporary seasonal personnel through the grant program; and,

WHEREAS, one of the eight individuals hired stopped working after July 10, 2013 and the hourly rate of the participants requires an amendment from \$8.25 to \$8.50 per hour; and,

WHEREAS, funds will be provided in the 2014 Municipal Budget through an Urban Gateway Enhancement Program grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #14-351 be and is hereby amended to reflect that Joel Ruiz is no longer employed in the Urban Gateway Enhancement Program effective July 11, 2014 and the pay rate for the remaining seven Youth Participants is hereby amended to \$8.50 per hour; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Community Programs Coordinator, Chief Financial Officer, Assistant C.F.O., Business Administrator and Human Resources.

RESOLUTION #14-373 - 7/28/14

AUTHORIZE THE CLOSING OF STREETS AND TEMPORARY NO PARKING  
IN CONNECTION WITH THE FALL HARVEST FESTIVAL

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled a Fall Harvest Festival on October 11, 2014; and,

WHEREAS, it is necessary to close portions of Main Avenue and Pilgrim Pathway and designate no parking during the event; and,

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

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary street closures and no parking on the following streets:

Saturday October 11, 2014 - 7:00 A.M. to 6:00 P.M.

- 1) No parking and road closed on Main Avenue between New York Avenue and Central Avenue
- 2) No parking and road closed on Pilgrim Pathway between Heck Avenue and Pitman Avenue
- 3) No parking on the east side of Pilgrim Pathway between Pitman Avenue and Mt. Carmel Way.

BE IT FURTHER RESOLVED, that the Department of Public Works shall provide barricades at the intersections of Main and New York; Main and Central; and Pitman and Pilgrim Pathway; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Ocean Grove Chamber of Commerce, Deputy Chief of Police, Director of Public Works, and Ocean Grove Fire Inspector.

RESOLUTION #14-374 - 7/28/14

RECLASSIFY TWO PUBLIC SAFETY OFFICERS TO THE POSITION OF  
SENIOR PUBLIC SAFETY OFFICER

WHEREAS, there is a need to reclassify two current part-time Public Safety Officers to the title of Senior Public Safety Officer; and,

WHEREAS, the Office of Emergency Management and Acting Police Director have made a recommendation to reclassify two existing employees to said title; and,

WHEREAS, funds will be provided in the 2014 Municipal Budget in the appropriation entitled \_\_\_\_\_, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Ryan Moses and Brian Magnin be and are hereby reclassified to the position of Senior Public Safety Officer at an hourly rate of \$18.39 effective August 1, 2014; and,

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

RESOLUTION #14-375 - 7/28/14

APPOINT SENIOR CITIZEN REPRESENTATIVES TO THE MONMOUTH COUNTY DIVISION  
ON AGING, DISABILITIES AND VETERANS AFFAIRS QUARTERLY MUNICIPAL  
COORDINATORS MEETING

WHEREAS, the Monmouth County Office on Aging, Disabilities and Veterans Affairs conducts a quarterly Municipal Coordinators meeting and requests Senior residents appointed as representatives from each county municipality; and,

WHEREAS, the Senior Center Director recommends that the appointments be made from the current membership of the Senior Advisory Council,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Arthur Bauter (regular representative) and Walter Drummond (alternate representative) be and are hereby appointed as the Neptune Township representatives to the Monmouth County Office on Aging, Disabilities and Veterans Affairs quarterly Municipal Coordinators meeting; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Senior Center Director.



RESOLUTION #14-376 - 7/28/14

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR  
SITE IMPROVEMENTS AT 2109 HECK AVENUE

WHEREAS, on April 26, 2010, JLRZ Holdings, Inc. filed a maintenance bond written by American Southern Insurance Company in the amount of \$19,605.00, guaranteeing the maintenance of site improvements for two years at 2109 Heck Avenue (Block 266.02, Lot 141); and,

WHEREAS, the two year maintenance period has expired and said maintenance bond may be released,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the maintenance bond as stated herein and deems the major site plan, as approved by the Planning Board on October 27, 2007, as complete; and,

BE IT FURTHER RESOLVED, that all remaining balances of the cash performance guarantee account and inspection escrow account be and are hereby authorized to be refunded; and,

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

RESOLUTION #14-377 - 7/28/14

AUTHORIZE AN AMENDMENT TO THE 2014 MUNICIPAL BUDGET TO REALIZE  
MONIES FROM THE UNITED STATES DEPARTMENT OF JUSTICE

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2014 in the sum of \$59,448.00 which is now available from a United States Department of Justice - Justice Assistance Grant in the amount of \$59,448.00; and,

BE IT FURTHER RESOLVED that the like sum of \$59,448.00 is hereby appropriated under the caption of 2014 JAG Law Enforcement Equipment Grant; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the United States Department of Justice – JAG Law Enforcement Equipment Grant in the amount of \$59,448.00; and,

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

Vote:

Bishop:

Houghtaling:

Jahn:

McMillan:

Brantley:

RESOLUTION #14-378 - 7/28/14

AUTHORIZE AN AMENDMENT TO THE 2014 MUNICIPAL BUDGET TO REALIZE  
MONIES FROM THE NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY

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 2014 in the sum of \$85,000.00 which is now available from a New Jersey Department of Law & Public Safety Hazardous Mitigation Grant in the amount of \$85,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$85,000.00 is hereby appropriated under the caption of Hazardous Mitigation – Energy Allocation Initiative; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety Hazardous Mitigation Grant Program – Energy Allocation Initiative in the amount of \$85,000.00; and,

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

Vote:

Bishop:

Houghtaling:

Jahn:

McMillan:

Brantley:

RESOLUTION #14-379 - 7/28/14

ACKNOWLEDGE THE RETIREMENT OF FOUR EMPLOYEES  
FROM THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township Committee has received notification that four Drivers in the Department of Public Works will be retiring between August 1, 2014 and November 1, 2014,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the retirements of the following employees in the Public Works Department be and are hereby acknowledged:

Jose Davila – effective August 1, 2014  
Sylvester Griffin – effective September 1, 2014  
Jeff Brenan – effective November 1, 2014  
Curney Beauford – effective November 1, 2014

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

RESOLUTION #14-380 - 7/28/14

AUTHORIZE AN AMENDMENT TO THE 2014 MUNICIPAL BUDGET TO REALIZE  
MONIES FROM THE DIVISION OF HIGHWAY TRAFFIC SAFETY

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 2014 in the sum of \$11,000.00 which is now available from a NJDL&PS Division of Highway Traffic Safety Grant in the amount of \$11,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$11,000.00 is hereby appropriated under the caption of 2015 Pedestrian Safety Enforcement; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety – Division of Highway Traffic Safety 2015 Pedestrian Safety Grant in the amount of \$11,000.00; and,

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

Vote:

Bishop:

Houghtaling:

Jahn:

McMillan:

Brantley:

RESOLUTION #14-381 – 7/28/14

AUTHORIZE A COOPERATIVE PRICING AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE AND THE HOUSTON - GALVESTON AREA COUNCIL, AS LEAD AGENCY

WHEREAS, N.J.S.A. 52:34-6.2(b)(3) authorizes any contracting unit to purchase goods, or to contract for services through the use of a nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state; and

WHEREAS, the Houston-Galveston Area Council (H-GAC), as the Lead Agency, has offered voluntary participation in a National Government Cooperative Pricing System for the provision of goods and services; and

WHEREAS, the Qualified Purchasing Agent and the Township Administrator have recommended to the Township Committee that the Township participate in this Cooperative Pricing System for the provision of goods and services; and

WHEREAS, based on such recommendations the Township Committee has determined that said participation offers lower prices and is in the best interests of the citizens of the Township;

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

1. This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Neptune and the Houston-Galveston Area Council.
2. Pursuant to the provisions of N.J.S.A. 52:34-6.2(b)(3), the Mayor is hereby authorized to execute and the Municipal Clerk to attest, on behalf of the Township a Cooperative Pricing Agreement between the Township of Neptune and the Houston-Galveston Area Council, as Lead Agency, a copy of which is annexed hereto and is on file in the Office of the Municipal Clerk and is available for public inspection.
3. This resolution shall take effect immediately upon its passage.
4. Certified copies of this resolution shall be distributed to the Business Administrator, Chief Financial Officer and Assistant C.F.O.

RESOLUTION #14-382 - 7/28/14

EMPLOY DRIVER IN THE DEPARTMENT OF  
PUBLIC WORKS ON A PROBATIONARY BASIS

WHEREAS, due to a retirement, there is a vacancy in the position of Driver in the Public Works Department; and,

WHEREAS, the position was duly posted and applicants have been interviewed; and,

WHEREAS, the Human Resources Specialist and Public Works Director have made their recommendation; and,

WHEREAS, funds will be provided in the 2014 Municipal Budget in the appropriation entitled \_\_\_\_\_, and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that \_\_\_\_\_ be and is hereby employed as a Driver in the Department of Public Works, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective August 4, 2014, at an annual salary of \$28,000.00; and,

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

RESOLUTION #14-383 – 7/28/14

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	711,031.46
FEDERAL & STATE GRANT FUND	35,545.20
TRUST OTHER	134,950.96
GENERAL CAPITAL FUND	9,235.90
SEWER OPERATING FUND	11,415.29
MARINA OPERATING FUND	17,140.17
MARINA CAPITAL FUND	654.08
DOG TRUST	7,477.00
UDAG RECIPROCAL TRUST	2,975.13
LIBRARY TRUST	319.86
BILL LIST TOTAL	\$930,745.05

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