

**TOWNSHIP COMMITTEE WORKSHOP MEETING – OCTOBER 9, 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 – Best Practices Survey.
2. Discussion – Abandoned property ordinance.
3. Discussion – Municipal Towing Ordinance.
4. Discussion – Post Sandy Planning Assistance Grants Round II.
5. Review Committee calendars/update on outstanding issues and capital items.  
- Various on-going capital improvement projects.

Res. # 14-469 – 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 – OCTOBER 9, 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 September 22nd.

**PRESENTATION OF AWARDS – PREPARE-A-THON POSTER CONTEST**

Awards will be presented to the winners of the Prepare-A-Thon Poster Contest. The contest was conducted in every school within the Neptune Township School District.

**PROCLAMATIONS**

The Mayor will proclaim October 10<sup>th</sup> as "Put the Brakes on Fatalities Day" and the month of November as "American Diabetes Month" in the Township of Neptune.

**REPORT OF THE CLERK**

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

Monmouth County Health Department report of activities for July and Senior Beacon for October.

Notice of Public Hearing on amendments to the Township of Wall Zoning Ordinance.

Letters of thanks and appreciation from Betty Wolny, William Gustavino and Karen Emslie to the Senior Center staff.

**COMMENTS FROM THE DAIS**

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

**PUBLIC COMMENTS ON RESOLUTIONS**

Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes.

**ORDINANCES**

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

**ORDINANCE NO. 14-37** - An ordinance amending Volume I, Chapter VIII, Section 8-1 of the Code of the Township of Neptune entitled "Parking Meters, Parking Lots" to permit the designation of reserved parking spaces in the Municipal Building Parking Lot – Final Reading

*Explanatory statement: This ordinance permits the designation of reserved parking places for emergency vehicles and employees within the Municipal Building parking lot.*

Public Hearing:

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

**ORDINANCE NO. 14-38** - Refunding Bond Ordinance authorizing the issuance of not to exceed \$500,000 principal amount of General Obligation Refunding Bonds by the Township of Neptune, in the County of Monmouth, State of New Jersey, to the Monmouth County Improvement Authority (the "MCIA") for the purpose of refunding certain bonds heretofore issued by the Township to the MCIA – Final Reading

*Explanatory statement: This is a refunding bond ordinance (not a new spending authorization) authorizing the issuance of not to exceed \$500,000 principal amount of general obligation refunding bonds by the Township of Neptune to the Monmouth County Improvement Authority to generate a debt savings to the Township.*

Public Hearing:

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

**ORDINANCE NO. 14-40** - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding a parking time limitation on the north side of Washington Avenue between Davis Avenue and Neptune Boulevard and the east side of Davis Avenue between Washington avenue and the entrance to the Municipal Complex – First Reading

*Explanatory statement: This ordinance authorizes a two hour parking time limitation on portions of Washington Avenue and Davis Avenue between 7:00 a.m. and 7:00 p.m. Monday through Friday.*

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

**ORDINANCE NO. 14-41** - An ordinance to amend Volume I, Chapter XX, Section 20-3 of the Code of the Township of Neptune entitled, "Water and Marine Regulations" – First Reading

*Explanatory statement: This ordinance further defines dumping and littering in waterways to gain compliance with certain FEMA regulations in connection with the Community Rating System.*

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

**ORDINANCE NO. 14-42** - An ordinance to amend Volume I, Chapter IV, Section 4-18 of the Code of the Township of Neptune, by updating the requirements and procedures for obtaining a license to provide municipal towing services – First Reading

*Explanatory statement: This ordinance regulates the licensing of towing operators for the provision of municipal towing services, including the establishment of minimum requirements for equipment, location and response time, and performance of those operators of towing services on behalf of the Township.*

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

**ORDINANCE NO. 14-43** - An ordinance amending and supplementing Bond Ordinance No. 14-09 (which provides for the reconstruction of the Ocean Grove Boardwalk) heretofore finally adopted by the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey, on February 10, 2014 to increase the appropriation therein to \$2,200,000 and to provide for the appropriation of a federal grant for the project in the amount of \$800,000. – First Reading

*Explanatory statement: This ordinance increases the amount of authorized appropriation for the reconstruction of the Ocean Grove boardwalk from \$1,400,000 to \$2,200,000. The ordinance does not increase the amount of authorized bonds or notes (debt) which remains at \$1,330,000.*

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

The Public Hearings on Ordinances 14-39 through 14-43 will be held on Monday, October 27, 2014.

### **CONSENT AGENDA**

Res. # 14-470 – Amend authorized Tax Appeal expert in defense of Tax Court appeals.

Res. # 14-471 – Place lien on 514 Couse Road.

Res. # 14-472 – Place lien on 25 South Riverside Drive due to costs associated with demolition of a structure.

Res. # 14-473 – Amend the salary of Matthew Parker due to award of professional certification.

Res. # 14-474 – Amend the salary of Kevin Pearse due to award of professional certification.

Res. # 14-475 – Accept the resignation of Patty Martuscelli as a Bookkeeper in the Tax Collection Department.

Res. # 14-476 – Amend leave of absence granted to Joyce Wilder under the Family Medical Leave Act.

Res. # 14-477 – Authorize the execution of a Letter of Intent for a 2015 Title IIIB funding grant from the Monmouth County Office of Aging.

Res. # 14-478 – Authorize submission of grant applications and execution of grant agreements for further planning activities recommended by the Strategic Recovery Planning Report.

Res. # 14-479 – Reappoint Special Law Enforcement Officer in the Police Department on a part-time basis.

Res. # 14-480 – Accept performance guarantee and developer's escrow and authorize execution of a Developer's Agreement with Greater New Jersey Annual Conference of the United Methodist Church (205 Jumping Brook Road).

Res. # 14-481 – Employ seasonal/on-call Drivers in the Department for Public Works for snow plowing.

Res. # 14-482 – Request the Division of Local Government Services to grant approval of a Dedication by Rider for revenues received from fees collected for tax map revisions.

Res. # 14-483 – Authorize remedial investigation of soil at the former Chidnese property at 1825 West Lake Avenue.

Res. # 14-484 – Grant Social Affair Permit to Richard S. Bascom Scholarship Fund.

Res. # 14-485 – Cancel unexpended and dedicated sewer utility capital appropriation balances.

Res. # 14-486 – Authorize the purchase of a Dodge Durango.

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

Res. # 14-487 – Employ Driver in the Department of Public Works on a probationary basis.

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

**The Mayor announces the following appointment to the Planning Board:**

**Janel Jones, as the Class IV Member for an unexpired four year term**

Res. # 14-488 – Confirm Mayor's appointment to the Planning Board.

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

Res. # 14-489 – 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. 14-40

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A PARKING TIME LIMITATION ON THE NORTH SIDE OF WASHINGTON AVENUE BETWEEN DAVIS AVENUE AND NEPTUNE BOULEVARD AND THE EAST SIDE OF DAVIS AVENUE BETWEEN WASHINGTON AVENUE AND THE ENTRANCE TO THE MUNICIPAL COMPLEX

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

SECTION 1

Volume I, Chapter VII, Section 7-7.5 – Parking Time Limited on Certain Streets – is hereby amended to add the following:

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Max Time</u>	<u>Day</u>	<u>Location</u>
Washington Avenue	North	7:00am to 7:00pm	120 mins	Mon. thru Fri	Between the intersection with Davis Avenue and the intersection with Neptune Boulevard
Davis Avenue	East	7:00am to 7:00pm	120 mins	Mon. thru Fri	Between the intersection with Washington Avenue and the entrance to the Municipal Complex

SECTION 2

This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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

\_\_\_\_\_  
Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 14-41

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XX,  
SECTION 20-3 OF THE CODE OF THE TOWNSHIP OF  
NEPTUNE ENTITLED, "WATER AND MARINE REGULATIONS"

WHEREAS, under the municipality's police powers, the municipality may establish and amend ordinances concerning environmental regulations within the Township; and

WHEREAS, certain federal agencies, such as FEMA require certain environmental regulations on the local level in order to obtain necessary federal assistance,

THEREFORE, 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 XX, Section 20-3, entitled, "Water and Marine Regulations as follows:

SECTION 1

Subsection 20-3.1, entitled, "Dumping and Littering" is hereby amended in its entirety as follows:

§20-3.1 – "Dumping and Littering"

- a. No person, firm or corporation shall deposit, throw or dump any debris or material of any nature in any stream, watercourse, catch basin, street storm water sewer inlet or drainage ditch, which could impede or block the flow of water in any stream, watercourse, street storm water sewer inlet or drainage ditch within the limits of the Township.
- b. No person, firm or corporation shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, river or any other body of water in or adjacent to any park or tributary stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters. This shall include but not be limited to fin fish, shell fish, bait harvested in or transferred to the waters of the Township of Neptune or property adjacent thereto, where the dumping of said remains shall be caused to come to rest in or impact the waters of said Township.
- c. The remains of fin fish, shell fish or bait shall be permitted to be placed in the Shark River if such remains are the result of recreational fishing in the Shark River or from recreational fishing on a boat or vessel that originates from the Shark River.



SECTION 2

Subsection 20-3.3, entitled, "Penalty" is hereby amended in its entirety as follows:

§20-3.3 – "Penalty"

Any person who shall violate any provision of this section shall, upon conviction thereof for such instance of violation, be fined an amount not less than \$100.00 and not more than \$2,000.00, and/or imprisonment for a period not exceeding 90 days and/or a period of community service not exceeding 90 days, or any combination thereof, at the discretion of the judge of the Municipal Court.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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

\_\_\_\_\_  
Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 14-42

AN ORDINANCE TO AMEND VOLUME I, CHAPTER IV, SECTION 4-18 OF THE CODE OF THE TOWNSHIP OF NEPTUNE, BY UPDATING THE REQUIREMENTS AND PROCEDURES FOR OBTAINING A LICENSE TO PROVIDE MUNICIPAL TOWING SERVICES

WHEREAS, pursuant to N.J.S.A. 40:48-2.49, the Township of Neptune is authorized to enact an ordinance setting forth regulations for the removal of motor vehicles from private or public property, including the fees charged and notice requirements for such removal and storage, along with the licensing of towing operators; and

WHEREAS, under this statute, the Township may set forth minimum standards of performance for such operators, including, but not limited to, the adequacy of equipment and facilities, availability and response time, and the security of vehicles towed or stored; and

WHEREAS, N.J.S.A. 40A:11-5(1)(u) provides for an exception to the public bidding requirements of the Local Public Contracts Law for towing contract licensing when the municipality has provided for a non-discriminatory method of rotating calls between all licensed towing operators within the municipality; and

WHEREAS, the Mayor and Township Committee of the Township of Neptune find it to be in the best interest of the Township and its citizens to enact an ordinance to govern and regulate the licensing of towing operators for the provision of municipal towing services, including the establishment of minimum requirements for equipment, location and response time, and performance of those operators of towing services on behalf of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Neptune, in the County of Monmouth and State of New Jersey as follows:

SECTION 1

Volume I, Chapter IV, Section 4-18 of the Code of the Township of Neptune shall be amended in its entirety to provide requirements and licensing for towing within the Township of Neptune as follows:

4-18 – MUNICIPAL TOWING SERVICES

4-18.1 - DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated:

BASIC TOWING SERVICE shall mean private property towing and other non-consensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; 15 minutes daytime and 25 minutes nighttime waiting time; hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from

the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes the clean up of glass and debris as well as the issuing of the documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; and retrieving a motor vehicle from storage during the hours in which the storage facility is open, see Section X for required hours of operation. The basic tow fee incorporates all anticipated administrative costs. Additional administrative costs are unauthorized unless extraordinary circumstances exist. Any additional administrative costs must be pre-authorized with the customer, and a detailed explanation included in the itemized bill.

CHIEF OF POLICE shall mean the Chief of the Neptune Township Police Department or his/her designee.

DECOUPLING shall mean releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

MOTOR VEHICLE shall include all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

NON-CONSENSUAL TOWING shall mean the towing of a motor vehicle without the consent of the owner or operator of the vehicle. "Non-consensual towing" includes towing a motor vehicle when law enforcement orders the vehicle to be towed whether or not the owner or operator consents.

PERSON shall mean an individual, a sole proprietorship, partnership, corporation, Limited Liability Company or any other business entity.

RECOVERY shall mean the winching of any vehicle off the roadway.

SNOW EMERGENCY shall mean anytime the Township declares a snow emergency and vehicles are to be removed from roadway in accordance with municipal ordinance chapter 7-7.3.

STORAGE FACILITY means a space at which motor vehicles that have been towed are stored. Said facility is to be surrounded by a fence, wall, or other physical barrier that is at least six feet high and is lighted from dusk to dawn.

TOWING shall mean the moving or removing from public or private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is damaged as a result of an accident or otherwise disabled, is recovered after being stolen, or is parked illegally or otherwise without authorization, parked during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. Dues or other charges of clubs or associations which provide towing services to club or association members shall not be considered a service charge for purposes of this definition.

TOWING LIST shall mean the list maintained by the Neptune Township Police Department containing the names of those active towing operators whom are licensed with the Township to provide municipal towing services for the Township.

TOWING OPERATOR shall mean any person who owns a tow/recovery vehicle and is in the business of offering towing services whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designated for that purpose.

VEHICLE shall mean any device in, upon or by which a person or property is or may be transported upon a roadway.

YARD FEE shall mean any fee charges to move a stored vehicle within the tow yard. The vehicle shall be stored in a manner to facilitate access and removal from the tow yard. Yard fees are unauthorized under this Ordinance.

TOWNSHIP shall mean the Township of Neptune, Monmouth County, New Jersey.

#### 4-18.2 - PURPOSE

It is the purpose of this Ordinance to establish a non-discriminatory method of rotating calls between all licensed operators requesting to provide municipal towing services at the request of, on behalf of, or for the Township or its Police Department.

#### 4-18.3 - MUNICIPAL TOWING SERVICES; LICENSE.

- a. Any towing operator desiring to provide municipal towing services for the Township must file an application with the Township, meeting the requirements of this Ordinance, and obtain a license from the Township for such services. Said license will be a supplemental use to the annual Mercantile Registration.
- b. The Township shall issue a license to those towing operators who file applications with the Township and desire to provide municipal towing services for the Township. The license shall provide for an annual review of the towing operator's services and compliance with this Ordinance. The license shall prohibit subcontracting or transfer by the towing operator.
- c. In order to continue to provide municipal towing services for the Township, the towing operator shall file a new application, with the required submissions, and obtain a new license from the Township.
- d. Applications must be submitted annually by November 30 to the Township Mercantile Officer. The license shall not be exclusive, with the Township being able to award licenses to multiple towing operators at any time.
- e. The Township shall have the sole discretion to deny a license to any towing operator failing to file the requisite application or to meet the requirements of this Ordinance. All applications for a license for the provision of municipal towing services filed with the Township shall be granted or denied by the Mercantile Officer, based upon the approval of the Chief of Police, upon review of the applications.

#### 4-18.4 - MUNICIPAL TOWING SERVICES; APPLICATION

- a. No person shall be eligible to provide municipal towing services for the Township until it submits an application with the Township.
- b. An application for municipal towing shall be made in writing to the Mercantile Officer, in the form prescribed by the Mercantile Officer, and shall be accompanied by a fee of \$150.00 which is inclusive of the annual mercantile registration fee.
- c. The applicant shall state the complete street address of the location or locations from which the business of towing shall be conducted, indicating which the principal location is and which is the storage facility, which shall meet the requirements of Section X of this Ordinance. The applicant shall also provide a lease agreement for any and all land areas being used as a storage location that they do not own.
- d. The applicant shall identify and provide a description of its towing vehicles, including vehicle registration number, gross vehicle weight, and purpose, with which the applicant intends to provide towing services.
- e. The applicant shall provide the name, address and driver's license number of the applicant and all employees of the applicant that are expected to be involved in the operation of the applicant's vehicular equipment for the towing of motor vehicles. All drivers for the applicant shall be at least 18 years of age and possess a valid New Jersey driver's license for the operation of the towing equipment.
- f. The application shall include a valid certificate of insurance from an insurer authorized to do business in the State, at the minimum amounts set forth in Section VII of this Ordinance.
- g. The applicant shall furnish any additional information concerning the personnel, vehicles, equipment and storage facilities of the applicant as may be required by the Chief of Police during the review of the application.
- h. If any of the information required in the application changes, or if additional information should be added after the filing of the application, the applicant shall provide that information to the Mercantile Officer, in writing, within 15 calendar days of the change or addition. Any application to add an additional driver during the contract term shall be accompanied by a fee of \$25.00.
- i. The applicant shall provide a certified statement of compliance with the minimum requirements of Section V of this Ordinance.

#### 4-18.5 - SUSPENSION, REVOCATION OF LICENSE

- a. The Township may deny, suspend or revoke any license for municipal towing services upon the recommendation of the Chief of Police, or upon other proof that the towing operator, or any of its employees or agents:
  1. Has obtained a registration through fraud, deception, or misrepresentation;

2. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise, or false pretense;
3. Has engaged in gross negligence or gross incompetence;
4. Has engaged in repeated acts of negligence or incompetence;
5. Has had a towing operation registration or license revoked or suspended by any other state, agency, or authority for reasons consistent with this section;
6. Has violated or failed to comply on more than three occasions with the schedule of tariff or fee regulations herein; or
7. Has violated any municipal ordinance;
8. Has been convicted of:
  - (a) A crime under Chapter 11, 12, 13, 14 or 15 of Title 2C of the New Jersey Statutes;
  - (b) Motor vehicle theft or any crime involving a motor vehicle under Chapter 20 of Title 2C of the New Jersey Statutes; or
  - (c) any other crime under Title 2C of the New Jersey Statutes relating adversely to the performance of towing services or the storage of motor vehicles as determined by the Chief of Police.

- b. A final refusal to license, or the suspension or revocation of a license by the Township shall not be made except upon reasonable notice to the applicant, and an opportunity for the applicant to be heard by the Township Committee.

#### 4-18.6 - ROTATING LIST

The Chief of Police is authorized to establish a system of rotation for the assignment of licensed towing operators to provide municipal towing services required pursuant to this Section. Pursuant to N.J.S.A. 40A:11-5(1) (w), the rotation system shall be established on a non-discriminatory and non-exclusionary basis. Only licensed towing operators with the Township shall be assigned to the rotation list. The rotation list shall be composed so as to permit a reasonable rotation of licensed towing operators. If the towing operator currently on-call under the rotation list cannot respond and provide the required municipal towing service, the Township shall move to the next towing operator on the rotation list. If no towing operator on the rotation list is able to respond and provide the required municipal towing service, the Chief of Police may deviate from the rotation list and arrange for another towing operator to provide such service. Notwithstanding the above rotation list, in the interests of public safety, the Chief of Police, at his/her discretion, taking into account the emergency, safety and location of the situation, may part from the rotation list and call for the closest available towing operator to respond.

#### 4-18.7 - INSURANCE REQUIREMENTS

In addition to the insurance requirements set forth in N.J.A.C. 45A-31.3, as may be amended from time to time, all licensed towing operators providing municipal towing services must maintain the following insurance policies, naming the Township as an additional insured:

- a. Garage keeper's Policy. A garage keeper's liability policy in the minimum amount of fifty thousand (\$50,000.00) dollars, and "on-hook" coverage, for each vehicle damaged on a separate claim.

- b. **Garage Liability Policy.** A garage liability policy covering applicant's business, equipment and vehicles in the minimum amount of five hundred thousand (\$500,000.00) dollars for any one person injured or killed, and a minimum of one million (\$1,000,000.00) dollars for more than one person killed or injured in any accident and an additional one hundred thousand (\$20,000.00) dollars for any damage arising from injury or destruction to property, and/or a combined single limit of one million (\$1,000,000.00) dollars. In addition to each policy containing an endorsement showing the Township as an additional insured, such policy shall also provide an endorsement entitling the Township to 30 days' prior written notice to the Mercantile Officer in the event of any change in coverage under the policy, or in the event of the cancellation of the policy.

4-18.8 - INDEMNIFICATION

Any license issued by the Township to a towing operator pursuant to this Section shall include a provision whereupon the licensed towing operator assumes all liability and shall indemnify and save the Township, its committees, boards, departments, agents, and employees, harmless from damages or losses sustained by vehicles while being towed, stored or released from towing operator's possession, and from all personal injuries and property damage occurring to any persons, or property, as a result of the performance of the towing operator's services, including, but not limited to, towing, storage, or other such activities relating to the municipal towing services. All responsibility for the release of a stored vehicle shall be on the towing operator only.

4-18.9 - SCHEDULE OF SERVICES ELIGIBLE FOR CHARGING A FEE; REASONABLE FEES

- a. A towing operator may only charge a fee for those towing and storage services set forth as follows unless otherwise provided for in N.J.A.C. 13:45A-31.4:

Service Provided	Fees (Not to Exceed)
Light Duty Rate (less than 10,000 G.V.W.)	Tow - \$100.00 (Basic Tow is a Flat Rate)  Recovery - \$110.00 (Recovery is billed per hour, per truck, with 1 hour minimum and 30 minute increments thereafter)
Medium Duty Rate (10,000 to 32, 000 G.V.W)	Tow - \$110.00 (Basic Tow is a Flat Rate)  Recovery - \$120.00 (Recovery is billed per hour, per truck, with 1 hour minimum and 30 minute increments thereafter)

Heavy Duty Rate (greater than 32,000 G.V.W.)	Tow - \$400.00 (Basic Tow is a Flat Rate)  Recovery - \$425.00 (Recovery is billed per hour, per truck, with 1 hour minimum and 30 minute increments thereafter)
Mileage	\$3.00 per mile from scene or site of tow to locations outside of the boundary of Neptune
Storage, per day	
Light Duty	35.00
Medium Duty	50.00
Heavy Duty	75.00
Snow Emergency	
Snow Emergency Tow	90.00
Snow Emergency Storage, per day	20.00
Other	
Road Service	\$60.00 – per call
Decoupling Fee	\$25.00 – per call
Clean-up charge (the bagging and proper disposal of less than 1 gallon of Antifreeze or oil or any other vehicle fluids)	\$35.00 - per call
Police Investigations	
Criminal Investigations Impound	No fee

- b. A towing operator may not charge a service fee for towing and storage services, which are ancillary to and shall be included as part of basic towing services, and is not included in the schedule approved by the Township.
- c. A towing operator that engages in private property towing or other non-consensual towing shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 P.M. on one day and the owner of the motor vehicle picks up the motor vehicle on or before 7:00 P.M. the next day, the towing operator shall only charge the owner of the motor vehicle for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing operator may only charge for two days of storage.



- d. A bill for private property tow or other non-consensual tow shall include the time at which a towed motor vehicle was delivered to a towing company's storage facility.
- e. The Township Committee may annually change the fees set forth herein by duly adopted resolution.

#### 4-18.10 - STORAGE FACILITIES

- a. The towing operator providing municipal towing services must tow all vehicles to a storage facility meeting the following requirements:
  - 1. Have the ability to store a minimum of ten vehicles;
  - 2. Is safe and secure such with a physical barrier that is at least six feet high such as a wall or fence;
  - 3. Is lighted from dusk to dawn;
  - 4. Is located within the Township border;
  - 5. Is open for release of vehicles Monday through Friday 8am to 5pm and Saturday and Sunday 8am to 12pm; and
  - 6. All vehicles are to be released from the storage facility, unless other arrangements are made with the owner of the vehicle.

#### 4-18.11 - STANDARDS OF TOWING OPERATOR PERFORMANCE

All towing operators who have been licensed with the Township to provide municipal towing services shall be obligated to comply with the following duties and regulations:

- a. Remove and tow to the designated storage facility all vehicles directed by the Chief of Police to be removed and towed because such vehicles are, in the Chief of Police's sole discretion designated as abandoned, illegally parked, disabled, involved in an accident, or to be impounded because of criminal or other investigation. At the sole discretion of the Chief of Police, taking into consideration safety concerns, the owner or operator of a disabled vehicle may be permitted to arrange for the vehicle to be towed by a towing operator of his/her choice.
- b. Store such vehicles and move such vehicles as directed by Chief of Police. When not otherwise directed or required by the Chief of Police, the owner or operator of a disabled vehicle may request that the vehicle be towed to a location other than the designated storage facility. Upon direction of the Chief of Police, the towing operator shall not release a vehicle towed which is subject to a criminal investigation, including, without limitation, compliance with "John's Law," without prior authorization by the Chief of Police.
- c. Provide 24 hours, seven day a week service to the Township during the term of the contract.
- d. Not utilize answering machines or answering services when on-call under the rotation list.
- e. Respond promptly to all requests for municipal towing services by the Chief of Police. In any event, the towing operator shall respond and be present at the location (all locations

within the Township) for municipal towing services within 15 minutes of receipt of notice of same between the hours of 8:00 a.m. and 5:00 p.m. (hereinafter "daytime"), and within 25 minutes of receipt of notice between the hours of 5:01 p.m. and 7:59 a.m. (hereinafter "nighttime"). In the event a towing operator does not arrive at the tow location within the above time periods, the police officer on the scene shall have the right to have a substitute towing operator called to the location who will have the right to perform the municipal towing services; and the originally called towing operator shall have no right to payment from any party.

- f. Not charge any fee for replacement of equipment or materials provided at the scene of the tow.
- g. Tow any and all disabled Township owned or operated vehicle upon request by the Chief of Police to a location within the Township. The towing operator will not charge the Township for the towing of Township owned passenger vehicles or pick-up trucks within two miles of the Township border to a location within the Township. All other towing of Township owned or operated vehicles shall be charged pursuant to Section X at a 20% discount. Nothing herein shall limit the Township from utilizing the towing services provided for in any public bid contract.
- h. Clean up all broken glass and debris at the scene of accidents (all towing operators must be equipped with a broom and a shovel).
- i. Ensure that all drivers and operators of the towing operator must wear ANSI Class II reflective safety vests at all times when responding to a request by the Township.
- j. Furnish additional towing equipment and services during storm periods, periods of snow emergencies, traffic emergencies, natural, or other disasters, any acts of God, and for any other reason when so designated by the Chief of Police. Such standby service shall begin and end when the Chief of Police notifies the towing operator. The Township reserves the right, during any such emergency, to designate temporary areas owned or leased by the Township and/or the towing operator for the storage of disabled vehicles, and to direct the towing operator to remove such disabled vehicles to said areas.
- k. A record of all vehicles towed and/or stored must be retained for a period of seven years. Such records shall include a report of all personal property found within a towed vehicle that can be observed by the towing operator at the time the vehicle came into the towing operator's possession, an accounting of all monies received for fees for towing, and a separate accounting of all monies received for fees for storage services pursuant to this Ordinance. The Chief of Police shall have access upon demand, to any and all records required to be kept by this Section.
- l. In all of the towing operator's dealings with the public, the towing operator shall act in a professional manner, courteous at all times, and respectful to members of the public, as well as representatives of the Township. Reports of discourteous behavior by the towing operator or his/her drivers which may be substantiated and documented, shall be considered by the Township as sufficient cause for revocation and termination of the towing operator's license, and be considered as material default under any license entered into with a towing operator pursuant to this Ordinance.

#### 4-18.12 - SOLICITATION

No towing operator, whether or not licensed with the Township, shall respond to the scene of an accident or emergency for the purposes of towing a vehicle unless specifically notified by the Chief of Police or his/her designee, or the individual involved in the accident or emergency. All persons, towing operators, and owners of towing equipment are hereby prohibited from soliciting business at the scenes of accidents and emergencies within the Township.

#### 4-18.13 - COMPLAINT AND DISPUTE RESOLUTION

Any person having a dispute or complaint arising from a specific act of towing services or storage of motor vehicles which is regulated by this Section shall present that complaint or dispute to the Chief of Police for resolution. The Chief of Police shall render his/her decision as to how the said complaint or dispute is to be resolved within 15 business days of his/her conducting a hearing as to the same. Such hearing can be in person, by telephone or on written presentation at the election of the Chief of Police. In the event of an adverse decision against a licensed towing operator, said license may be revoked. Any appeal of the Chief of Police's decision may be appealed to the governing body of the Township.

#### 4-18.14 - VIOLATIONS; ENFORCEMENT AND PENALTIES

- a. This Ordinance shall be enforced by the Neptune Township Police Department.
- b. Any violation of the provisions of this Ordinance shall subject such violator, upon issuance of a summons and conviction in municipal court, and at the court's discretion, to the fines and penalties set forth in Township's general penalty Ordinance for each such violation.
- c. Any violation of the provisions of this Ordinance may also subject the violator to a revocation or non-issuance of the license with the Township. If a towing operator's license is revoked pursuant to this provision, such towing operator is barred from reapplying with the Township for a period of three (3) years from the date of the revocation.
- d. In addition to any penalties or other remedies provided herein, the towing operator that has billed a person an amount in excess of the fee specified in this Ordinance for the service provided shall reimburse such person for the excess cost.

#### SECTION 2

If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

#### SECTION 3

In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Neptune, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the

Township of Neptune are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4

This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

SECTION 5

This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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

\_\_\_\_\_  
Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 14-43

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 14-09 (WHICH PROVIDES FOR THE RECONSTRUCTION OF THE OCEAN GROVE BOARDWALK) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON FEBRUARY 10, 2014, TO INCREASE THE APPROPRIATION THEREIN TO \$2,200,000, AND TO PROVIDE FOR THE APPROPRIATION OF A FEDERAL GRANT FOR THE PROJECT IN THE AMOUNT OF \$800,000

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 February 10, 2014, numbered 14-09 and entitled, "BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF THE OCEAN GROVE BOARDWALK, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,330,000 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 \$800,000. Therefore, the total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to \$2,200,000 (\$1,400,000 original appropriation plus \$800,000 additional appropriation).

SECTION 3. In order to fund 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 down payment and debt authorization contained in the Original Ordinance, there is hereby appropriated, \$800,000 expected to be received by the Township from the Federal Emergency Management Agency (FEMA).

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

SECTION 6. 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:

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

RESOLUTION #14-469 – 10/9/14

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:

Potential Litigation – License Agreements for Right-of-Way encroachments

Personnel – Recommendation for hiring of police officer

Contract negotiations – Agreement with OGCMA for additional boardwalk repairs

Litigation – CBS Outdoor v. Neptune Board of Adjustment

Contract negotiations – West Lake Avenue Redevelopment

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 #14-470 - 10/9/14

AMEND AUTHORIZED TAX APPEAL EXPERT IN DEFENSE OF TAX COURT APPEALS

WHEREAS, at each annual Reorganization Meeting, the Township Committee adopts a resolution authorizing the Tax Assessor to sign stipulations, file cross appeals and Assessor's appeals, for corrections only; and,

WHEREAS, within this same resolution, the Committee appoints a Township expert, when needed, in defense of Tax Court appeals; and,

WHEREAS, Steven Walters was appointed to serve as the Township expert for 2014; however, he has since announced his retirement; and,

WHEREAS, the Tax Assessor has made his recommendation for replacement,

WHEREAS, funds will be provided in the 2014 municipal budget in the appropriation entitled Legal O.E., and the Chief Financial Officer has so certified in writing,

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Neptune that Arthur J. Lehman is hereby appointed to act as the Township expert in defense of 2014 Tax Court appeals and does further authorize a maximum expenditure of \$4,000.00 for this purpose; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Tax Assessor, and the County Board of Taxation.



RESOLUTION #14-471 - 10/9/14

PLACE LIEN ON 514 COUSE ROAD

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>
440/40	514 Couse Road	\$ 402.50

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 #14-472 – 10/9/14

PLACE LIEN ON 25 SOUTH RIVERSIDE DRIVE DUE TO COSTS  
ASSOCIATED WITH DEMOLITION OF A STRUCTURE

WHEREAS, the Construction Official has determined that the fire damaged structure at 25 South Riverside Drive 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 demolished; and,

WHEREAS, the Construction Official has ordered the owners of said property to demolish the structure and they have failed to do so; and,

WHEREAS, the Construction has obtained a quote for demolition and the structure has been demolished 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 a lien of \$14,700.00 against 25 South Riverside Drive (Block 481, Lot 34) for costs associated with the demolition of the fire damaged structure; and,

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 #14-473 - 10/9/14

AMEND THE SALARY OF MATTHEW PARKER DUE TO  
AWARD OF PROFESSIONAL CERTIFICATION

WHEREAS, the Township Committee continues to encourage its employees to attend classes and seminars and obtain certifications in their respective field of study; and,

WHEREAS, the Township Committee awards an additional \$1,000 in annual compensation to any employee obtaining a certification in an area related to their specific job classification up to a maximum of two certifications; and,

WHEREAS, Matthew Parker, Public Works Driver assigned to the Sewer Utility, has earned the C-1 Wastewater License; and,

WHEREAS, funds for this purpose will be provided in the 2014 sewer utility budget under the appropriation entitled Sewer Utility S&W, known as Account No. 07-501-010 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Matthew Parker shall receive an additional \$1,000.00 in annual salary effective October 1, 2014 for receiving the C-1 Wastewater License; and,

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

RESOLUTION #14-474 - 10/9/14

AMEND THE SALARY OF KEVIN PEARSE DUE TO  
AWARD OF PROFESSIONAL CERTIFICATION

WHEREAS, the Township Committee continues to encourage its employees to attend classes and seminars and obtain certifications in their respective field of study; and,

WHEREAS, the Township Committee awards an additional \$1,000 in annual compensation to any employee obtaining a certification in an area related to their specific job classification up to a maximum of two certifications; and,

WHEREAS, Kevin Pearse, Public Works Driver assigned to the Sewer Utility, has earned the C-1 Wastewater License; and,

WHEREAS, funds for this purpose will be provided in the 2014 sewer utility budget under the appropriation entitled Sewer Utility S&W, known as Account No. 07-501-010, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Kevin Pearse shall receive an additional \$1,000.00 in annual salary effective October 1, 2014 for receiving the C-1 Wastewater License; and,

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

RESOLUTION #14-475 - 10/9/14

ACCEPT THE RESIGNATION OF PATTY MARTUSCELLI AS A  
BOOKKEEPER IN THE TAX COLLECTION DEPARTMENT

WHEREAS, the Township Committee has received a letter from Patty Martuscelli resigning as a Bookkeeper in the Tax Collection Department effective close of business October 10, 2014,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Patty Martuscelli as a Bookkeeper in the Tax Collection Department is hereby accepted effective October 10, 2014; and,

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

RESOLUTION #14-476 - 10/9/14

AMNED LEAVE OF ABSENCE GRANTED TO JOYCE WILDER  
UNDER THE FAMILY MEDICAL LEAVE ACT

WHEREAS, Joyce Wilder, Customer Service Representative in the Office of Vital Statistics, has requested a leave of absence under the provisions of the Family Medical Leave Act during which time she will utilize the balance of her accumulated sick time; and,

WHEREAS, the Township Committee adopted Resolution #14-440 on September 8, 2014 granting said request; and,

WHEREAS, Joyce Wilder has requested a change to the start and end dates of her leave; and,

WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the leave of absence granted to Joyce Wilder, Customer Service Representative in the Office of Vital Statistics, is hereby amended to a period of six weeks, with the use of accumulated sick time followed by unpaid leave at the point that accumulated sick time is exhausted, under the provisions of the Family Medical Leave Act from October 1, 2014 through November 12, 2014; and,

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

RESOLUTION #14-477 - 10/9/14

AUTHORIZE THE EXECUTION OF A LETTER OF INTENT FOR A 2015 TITLE IIIB  
FUNDING GRANT FROM THE MONMOUTH COUNTY OFFICE ON AGING

WHEREAS, the Township of Neptune has been awarded Title IIIB and State COLA funding for the year 2015, in the amount of \$25,000, from the Monmouth County Office on Aging to provide services to Neptune Seniors through the Neptune Senior Center; and,

WHEREAS, the Senior Center Director has completed the necessary documentation in support of the grant award,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor to execute a Letter of Intent to receive a 2015 Title IIIB funding grant from the Monmouth County Office on Aging; and,

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

RESOLUTION #14-478 – 10/9/14

AUTHORIZE THE SUBMISSION OF GRANT APPLICATIONS AND EXECUTION OF  
GRANT AGREEMENTS FOR FURTHER PLANNING ACTIVITIES RECOMMENDED  
BY THE STRATEGIC RECOVERY PLANNING REPORT

WHEREAS, on August 27, 2014, the Neptune Township Planning Board adopted a Strategic Recovery Planning Report which was funded through the Post Sandy Program Assistance Grant (PSPAG); and,

WHEREAS, with the adoption of the Strategic Recovery Planning Report, the Township is now eligible to receive funding for planning activities identified in said Report to improve recovery and resiliency efforts as identified in the event of future natural disasters; and,

WHEREAS, the Township of Neptune desires to apply for and obtain grants from the New Jersey Department of Community Affairs for approximately \$30,000.00 to develop a Capital Improvement Plan; \$50,000 to update the Community Facilities Master Plan; and \$50,000 to develop Design Standards,

THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune does hereby authorize the application for such grants; 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 agreements from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreements; and also, upon receipt of the fully executed agreements from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreements between the Township 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 applications, and that they or their successors in said titles are authorized to sign the agreements and any other documents necessary in connection therewith:

Approved: October 9, 2014

\_\_\_\_\_  
Dr. Michael Brantley,  
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 October 9, 2014 and that respect a true and correct copy of its minutes.

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



RESOLUTION #14-479 - 10/9/14

REAPPOINT SPECIAL LAW ENFORCEMENT OFFICER  
IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

WHEREAS, in accordance with state regulations, it is required that existing Special Law Enforcement officers be reappointed on an annual basis; and,

WHEREAS, the Chief of Police has made his recommendations on the reappointment of existing Special Law Enforcement Officers; and,

WHEREAS, funds will be provided in the 2014 municipal budget in the appropriation entitled Police S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Joseph Grabas be and is hereby reappointed as a part-time Special Law Enforcement Officer – Class I and to perform such other duties as prescribed by the Chief of Police, at an hourly rate as established by prior resolution of the Township Committee; and,

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

RESOLUTION #14-480 – 10/9/14

ACCEPT PERFORMANCE GUARANTEE AND DEVELOPER'S ESCROW AND AUTHORIZE EXECUTION OF A DEVELOPER'S AGREEMENT WITH GREATER NEW JERSEY ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH (205 JUMPING BROOK ROAD)

WHEREAS, Greater New Jersey Annual Conference of the United Methodist Church applied for and was granted relief for the construction of a Religious and Charitable Service Center, parking area and driveway before the Planning Board of Neptune Township; and

WHEREAS, Greater New Jersey Annual Conference of the United Methodist Church has agreed to enter into a Developer's Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the application before the Planning Board of Neptune Township; and

WHEREAS, it is in the best interest of the citizens of the Township of Neptune to enter this Developer's Agreement with Greater New Jersey Annual Conference of the United Methodist Church to ensure the proper development of the aforesaid parcel and guaranteed performance of items and improvements made on said parcel.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the aforesaid Developer' Agreement with Greater New Jersey Annual Conference of the United Methodist Church, a true copy of which is attached hereto as Exhibit "A" for compliance with the Planning Board of Neptune Township's Resolution No. 14-11, and representations upon submission and approval of all conditions arising from the aforesaid Resolution, and return the same to the Township Attorney for recording in the Clerk's office of Monmouth County; and,

BE IT FURTHER RESOLVED, that Performance Bond No. 1149987 in the amount of \$791,640.00, written by Selective Insurance Company of America, guaranteeing the satisfactory completion of site plan improvements be and is hereby accepted; and,

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

RESOLUTION #14-481 - 10/9/14

EMPLOY SEASONAL/ON-CALL DRIVERS IN THE DEPARTMENT OF  
PUBLIC WORKS FOR SNOW PLOWING

WHEREAS, the Township desires to create a pool of individuals with commercial drivers license who would be called upon during major snowfalls to operate snow plows as a supplement to the full-time Public Works staff; and,

WHEREAS, the Director of Public Works has forwarded his recommendations to employ workers for this purpose; and,

WHEREAS, funds will be provided in the 2014 municipal budget in the appropriation entitled 290-010, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and are hereby employed in the Department of Public Works as Casual Employees on an on-call basis only for snow plowing during major snow/ice events during the 2014-2015 winter season at an hourly rate of \$25.00; and,

Greg LaFrance  
Donald Diebert  
Michael Finer  
Richard Hulsart  
Daniel Morales  
Michael Secord

John Blecki  
Raymond Koeppel  
Deniz Jemaly  
Robert Fahnholz  
Ronald Taylor  
Kevin Boden

Harry Conover III  
William Burge  
William Forshaw  
Edward Curry  
Samar Reid  
Sidney Chasey

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

RESOLUTION #14-482 - 10/9/14

REQUEST THE DIVISION OF LOCAL GOVERNMENT SERVICES TO GRANT  
APPROVAL OF A DEDICATION BY RIDER OF REVENUES RECEIVED FROM  
FEES COLLECTED FOR TAX MAP REVISIONS

WHEREAS, the Township Committee desires to establish a trust fund for fees collected for revisions to the Township tax map in accordance with N.J.S.A. 40:55D-42; and,

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance: and,

WHEREAS, N.J.S.A. 40A4:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of said monies by dedication by rider;

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

1) The Township Committee does hereby request permission of the Director of the Division of Local Government Services to utilize fees received for revisions to the Township tax map.

2) The Township Clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

3) The Township Clerk shall forward certified copies of this resolution to the Business Administrator, Chief Financial Officer and Assistant C.F.O.

RESOLUTION #14-483 - 10/9/14

AUTHORIZE REMEDIAL INVESTIGATION OF SOIL AT THE  
FORMER CHIDNESE PROPERTY AT 1825 WEST LAKE AVENUE

WHEREAS, the Township desires to engage the services of Dynamic Earth, the appointed Consultant for Hazardous Discharge Site Remediation Fund Investigation, to perform remedial investigation activities at the former Chidnese property at 1825 West Lake Avenue and further described as Block 225.01, Lots 597-601; and,

WHEREAS, this work is consistent with the Licensed Site Remediation Professional Program established by the Site Remediation Reform Act; and,

WHEREAS, funds for this purpose will be provided in the 2014 municipal budget via a grant from the Hazardous Discharge Site Remediation Fund in the amount of \$87,333.00, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Dynamic Earth to perform remedial investigation of soil at the former Chidnese property at 1825 West Lake Avenue and further described as Block 225.01, Lots 597-601 at an amount not to exceed \$87,333.00; and,

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

RESOLUTION #14-484 - 10/9/14

GRANT SOCIAL AFFAIR PERMIT TO RICHARD S. BASCOM SCHOLARSHIP FUND

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the application of the Richard S. Bascom Scholarship Fund for a social affair permit at The Headliner, Route 35, on November 6, 2014 from 6:30 P.M. to 11:00 P.M.

RESOLUTION #14-485 - 10/9/14

CANCEL UNEXPENDED AND DEDICATED SEWER UTILITY  
CAPITAL APPROPRIATIONS BALANCES

WHEREAS, certain Sewer Utility Capital Improvement appropriation balances remain dedicated to projects now completed; and,

WHEREAS, it is necessary to formally cancel said balances so that the unexpended Sewer Utility Capital Ordinance balances may be returned to Sewer Capital Fund Balance,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the following unexpended and dedicated Sewer Utility Capital Ordinance balances be canceled to Sewer Capital Fund Balance:

Ordinance	Description	Balance
#98-35	Phase II Rehabilitation/Infiltration and Inflow Program, Improvements to Hillside and Beverly Pump Stations	\$18.01
#99-51/ #00-17	Construction and Reconstruction of various sewer lines, stations, facilities and related assets	\$21.41
#01-25	Reconstruction of Gables Area Sanitary Sewer System – Phase I	\$1,205.55

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Auditor, and the Assistant CFO.

RESOLUTION #14-486 - 10/9/14

AUTHORIZE THE PURCHASE OF A DODGE DURANGO

WHEREAS, the Neptune Township Police Department wishes to purchase a 2014 Dodge Durango SS AWD through an authorized vendor under the Cranford Township Cooperative, #47-CPCPS State of New Jersey approved cooperative; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, Beyer Chrysler Dodge Jeep has been awarded Cranford Township Cooperative #47-CPCPS, Item #5 for this vehicle; and,

WHEREAS, the Chief Financial Officer recommends the utilization of this contract on the grounds that the price reflects a substantial savings; and,

WHEREAS, the cost of this vehicle shall not exceed \$29,790.00; and,

WHEREAS, funds for this purpose are available through the 2014 Municipal Budget in the appropriation entitled Police O.E., and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of a 2014 Dodge Durango SS AWD through the Cranford Cooperative, #47-CPCPS, Item #5, State of New Jersey approved cooperative, be and is hereby authorized at an amount not to exceed \$29,790.00; and,

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



RESOLUTION #14-487 - 10/9/14

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 290-010, 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 Matthew Lomerson 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 October 14, 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 #14-488 - 10/9/14

CONFIRM MAYOR'S APPOINTMENT TO THE PLANNING BOARD

WHEREAS, due to the removal of Jason Jones, a vacancy exists on the Planning Board,

THEREFORE, BE IT RESOLVED, that the Township Committee hereby confirms the Mayor's appointment of Janel Jones to the Planning Board as a Class IV member for a four year unexpired term expiring December 31, 2014; and,

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

RESOLUTION #14-489 – 10/9/14

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	522,970.45
FEDERAL & STATE GRANT FUND	8,283.80
TRUST OTHER	83,841.47
GENERAL CAPITAL FUND	4,633,606.02
SEWER OPERATING FUND	92,097.68
SEWER CAPITAL FUND	21,338.80
MARINA OPERATING FUND	90,494.52
DOG TRUST	15,030.20
LIBRARY TRUST	2,679.56
BILL LIST TOTAL	\$5,500,342.50

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