

**TOWNSHIP COMMITTEE WORKSHOP MEETING – SEPTEMBER 28, 2015 – 6:00 P.M.**

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

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

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

Mayor Jahn announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 8, 2015, 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 – North Channel Redevelopment presentation.
2. Discussion – Establishment of Green Team Advisory Committee. (PW)
3. Discussion – High Water Mark initiative.
4. Discussion – Reschedule December meeting dates to the first and third Mondays (7<sup>th</sup> and 21<sup>st</sup>).
5. Review Committee calendars/update on outstanding issues and capital items.  
- Various on-going capital improvement projects.

Res. # 15-387 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

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

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

**TOWNSHIP COMMITTEE MEETING – SEPTEMBER 28, 2015 – 7:00 P.M.**

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

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

Also present at the dais: Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; Gene J. 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 Jahn announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 8, 2015, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at [www.neptunetownship.org](http://www.neptunetownship.org).

**APPROVAL OF MINUTES**

Motion offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to approve the minutes of the meetings held on September 14<sup>th</sup> and September 21<sup>st</sup>.

**PROCLAMATION**

The Mayor will proclaim October 10<sup>th</sup> as "Put the Brakes on Fatalities Day" 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:

A copy of a letter from Joanne Penrose thanking the first responders of Neptune for their response to a motor vehicle accident.

Thank you letters from Felecia Evans and the Cooke Family to the Senior Center staff.

**COMMENTS FROM THE DAIS**

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 is permitted one visit to the microphone with a limit of five minutes.

**ORDINANCE NO. 15-41** – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding resident handicapped on-street parking zones on New Jersey Avenue, Heck Avenue, and Beach Avenue and removing a handicapped parking zone on Broadway - Final Reading

*Explanatory Statement: This ordinance authorizes the installation of resident only handicapped parking zones on New Jersey Avenue adjacent to 102 Broadway and in front of 126 Heck Avenue and 45 Beach Avenue and the removal of a zone in front of 102 Broadway.*

Public Hearing:

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

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

**ORDINANCE NO. 15-42** – An ordinance to amend and supplement Volume I, Chapter IV, Section 4-29 of the Code of the Township of Neptune entitled Dealers of Precious Metals and other Second Hand Goods - Final Reading

*Explanatory Statement: This ordinance amends the regulations and registration requirements for dealers of precious metals and second hand goods.*

Public Hearing:

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

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

**ORDINANCE NO. 15-43** – An ordinance to amend Volume I, Chapter XII, of the Code of the Township of Neptune by adding to Section 12-5.8, entitled, "Requirements of Owners and in some cases Lienholders of Vacant Property" and Section 12-5.13, entitled, "Violation and Penalties" - First Reading

*Explanatory Statement: This ordinance amends the Vacant and Abandoned Property Ordinance by adding requirements for annual registration and accompanying registration fee for any property meeting the definition of "vacant property".*

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

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

**ORDINANCE NO. 15-44** – An ordinance amending Volume I, Chapter IV, of the Code of the Township of Neptune entitled, “Business and Licensing regulations concerning granting of Revocable Licenses” - First Reading

*Explanatory Statement: This ordinance establishes procedures and regulations for the granting of a Revocable License in certain instances for encroachments upon Township property or right-of-way.*

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

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

**ORDINANCE NO. 15-45** – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding resident handicapped on-street parking zones on Pennsylvania Avenue and Bath Avenue - First Reading

*Explanatory Statement: This ordinance authorizes resident handicapped on-street parking zones adjacent to 90 Lake Avenue and in front of 35 Bath Avenue.*

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

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

**ORDINANCE NO. 15-46** – Bond Ordinance providing for Shark River Dredging, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$300,000 therefor and authorizing the issuance of \$285,000 bonds or notes of the Township to finance part of the cost thereof - First Reading

*Explanatory Statement: This Bond Ordinance authorizes an appropriation of \$300,000 for the dredging of the Shark River.*

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

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

The Public Hearings on Ordinances 15-43 through 15-46 will be held on Thursday, October 8<sup>th</sup>.

### **CONSENT AGENDA**

Res. # 15-388 – Participate the Monmouth County High Water Mark (HWM) Initiative.

Res. # 15-389 – Place lien on various properties.

Res. # 15-390 – Authorize an amendment to the 2015 municipal budget to realize monies from the United States Department of Justice.

Res. # 15-391 – Authorize Developers' Agreement with Patrick Fasano and Vincent Gifford for improvements at Block 1006, Lots 4 & 5 (774 & 778 Wayside Road).

Res. # 15-392 – Accept the resignation of Matthew Richardson as a Special Law Enforcement Officer – Class II.

Res. # 15-393 – Require Township Committee members to attend instructional course on responsibilities and obligations of elected officials.

Res. # 15-394 – Authorize a reduction in the performance guarantee filed by Neptune Estates, LLC for Phase 1A site improvements at Neptune Estates (3351 Highway 33).

Res. # 15-395 – Authorize a reduction in the performance guarantee filed by Neptune Estates, LLC for Phase 1B site improvements at Neptune Estates (3351 Highway 33).

Res. # 15-396 – Extend term of UGAG Loan granted to All American Turf.

Res. # 15-397 – Authorize execution of a Business Associate Agreement with Jungle Lasers, LLC in connection with processing of Vital Statistics records.

Res. # 15-398 – Extend contract for on-line grant management and reporting system.

Res. # 15-399 – Authorize installation of automated gates at the Public Works Yard.

Res. # 15-400 – Authorize employment of on-call temporary Plumbing Sub-Code Official.

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

Res. # 15-401 – Recommend adoption of Special Area Standards per N.J.A.C. 5:21-3.5.

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

Res. # 15-402 – Authorize the payment of bills.

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

Res. # 15-403 – Authorize continued services of the Municipal Planner and payment of fees for updating Neptune Township's Housing Element and Fair Share Plan and incidental services related to requirements of the Superior Court of New Jersey, Law Division, Monmouth County in the matter of the application of the Township of Neptune under Mt. Laurel Docket No. L-2236-15.

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

Res. # 15-404 – Authorize escrow fund with an initial deposit of \$5,000.00 per the Court Order of September 17, 2015 in the Superior Court of New Jersey, Law Division, Monmouth County under Docket No. L-2236-15 – Mt. Laurel Application.

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

Res. # 15-405 – Authorize Revocable License Agreement with Southporte Condominium Association.

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

Res. # 15-406 – Authorize participation with the County of Monmouth and adjacent municipalities in a State/County/Local Cost Sharing Agreement in connection with the dredging of the Shark River navigational channels.

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

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

**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. 15-43

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XII, OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING TO SECTION 12-5.8, ENTITLED, "REQUIREMENTS OF OWNERS AND IN SOME CASES LIENHOLDERS OF VACANT PROPERTY" AND SECTION 12-5.13, ENTITLED, "VIOLATION AND PENALTIES"

BE IT ORDAINED by the Township Committee of the Township of Neptune that Volume I, Chapter XII of Code of the Township of Neptune entitled, "Vacant and Abandoned Properties" be and is hereby amended with regard to Section 12-5.8 and Section 12-5.13 as follows:

12-5 – VACANT AND ABANDONED PROPERTIES

12-5.8 – Requirements of Owners and in Some Cases, Lienholders of Vacant Property

B) Registration required; period of validity; general regulations

- 1) The owner of any vacant property, as defined herein, shall, within thirty (30) days after the building becomes vacant property as defined in Section 12-5.2(A)(12), or within thirty (30) days after assuming ownership of the vacant property, whichever is later, file a Registration Statement for each such vacant property with the Public Officer on forms provided by the Township for such purposes. The registration shall remain valid until the designated renewal date, which shall be January 2<sup>nd</sup> of each year. The owner shall be required to renew the registration January 2<sup>nd</sup> of each year, as long as the building remains vacant property, and shall pay a Registration Fee or Renewal Fee in the amount prescribed herein for each vacant property registered.
- 2) Any owner of any building who meets the definition of "vacant property" prior to the effective date of this article shall file a Registration Statement for that property within thirty (30) days of the date of this adopted Article. The Registration Statement shall include the information required in this Article, as well as any additional information that the Public Officer may reasonably require.
- 3) The owner shall notify the Public Officer within thirty (30) days of any change in the registration information by filing an Amended Registration Statement on a form provided by the Public Officer for such purposes.
- 4) The Registration Statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner or owners of the property.

C) Registration Requirements, Property Inspection

- 1) After filing a Registration Statement or a renewal of a Registration Statement, the owner of any vacant property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine

compliance with the Municipal Code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

- 2) The Registration Statement shall include the name, street address and telephone number of a natural person, 21 years of age or over, designated by the owner or owners as the authorized agent for receiving notices of Code Violations and for receiving process, in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code. This person must maintain an office in the State of New Jersey or reside within the State of New Jersey. The Registration Statement shall also include the name of the person responsible for maintaining and securing the property, if different. The Registration Statement shall also include the name, street address and telephone number of the owner(s) of the subject property as the necessary contact person should there be a problem in reaching the owner(s)' authorized agent.
- 3) An owner who is a natural person or who meets the requirements of this Article as to location of residence or office may designate himself or herself as agent.
- 4) By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of Code Violations concerning the registered, vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until both the owner notifies the Public Officer of a change of authorized agent, or until the owner files a new annual Registration Statement. The designation of an authorized agent in no way releases the owner from any requirement of this article.

D) Lienholders

- 1) All lienholders who have filed and served a Foreclosure Summons and Complaint arising from vacant property needs to comply with all the registration requirements of this section in addition to the property owners as an additional requirement to that already set forth under Section 12-5.11.

E) Registration Fees

- 1) The initial Registration Fee for each building shall be \$500.00.
- 2) The registration shall be renewable on January 2<sup>nd</sup> of each year at a fee of \$500.00; unless a violation exists. The initial registration fee shall be prorated for Registration Statements received less than 10 months prior to the January 2<sup>nd</sup> anniversary renewal date. If there is a violation of any Municipal Code cited during the first renewal period, the Registration Fee shall be doubled (\$1,000.00). If a violation of the Municipal Code is cited during the second renewal period, the Registration Fee shall triple (\$1,500.00). If there is a violation of the Municipal Code during the third renewal period, or any time thereafter, the Registration Fee shall quadruple (\$2,000.00).

12-5.13 – Violation and Penalties

- C) Any owner or applicable lienholder who is in violation of Section 12-5.8 (B), (C), (D) and/or (E) shall be subject to the fines and penalties set forth in Section 12-5.13(A) and (B) in addition to compliance with the payment of all Registration Fees required in Section 12-5.8(E), entitled “Registration Fees.”

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final adoption and publication of the notice of the adoption as required by law; and

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrell,  
Municipal Clerk

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Mary Beth Jahn,  
Mayor

# TABLED

## ORDINANCE NO. 15-44

### AN ORDINANCE AMENDING VOLUME I, CHAPTER IV, OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED, "BUSINESS AND LICENSING REGULATIONS CONCERNING GRANTING OF REVOCABLE LICENSES"

WHEREAS, occasionally the Mayor and Township Committee of the Township of Neptune encounters a situation where a property owner of the Township has constructed or desires to construct a structure, either intentionally or inadvertently, which encroaches upon Township property or right-of-way; and

WHEREAS, in such instances, the Township may, at its sole discretion, allow for a Revocable License to permit the encroachment or encroachments with the understanding that the encroachment or encroachments cannot prevent the Township from utilizing municipal property or right-of-ways, and that the Township must be held harmless from any injury or damage caused by the encroachment or encroachments, and that the License Agreement, if granted in the sole discretion of the Township, is revocable, with the encroachment or encroachments subject to removal at the sole cost and expense of the property owner.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey that the Neptune Township Code of Ordinances, Volume I, Chapter IV, shall hereby be amended to add a Section on License Agreements as follows:

#### Section 4-33 – Revocable Licenses.

- A) The Township, in its sole discretion, may grant a property owner of the Township of Neptune a Revocable License in writing, allowing for said property owner to create or continue an existing encroachment upon municipal property where such an encroachment is considered by the governing body not to be a significant impairment to the Township's use of the Township property, and will be removed at the sole cost and expense of the property owner should the Township determine, in its sole discretion, that such encroachment needs to be removed in order for the Township to make use of or enter upon said Township property, subject to approval by the State of New Jersey in those cases, and in those cases only, where State approval is required either because of Green Acres funding of public property or other State requirements.
- B) Any Revocable License granted by the Township must be granted by Resolution, be in written form of agreement, approved by the Township Attorney and possess in the

very least a Indemnification and Hold Harmless Clause protecting the municipality against injury or damages; allow for the removal of the encroachment upon Notice of Termination in the sole discretion of the Township and at the sole cost and expense of the property owner and enforceability in case the property owner fails to comply with the aforesaid License Agreement, by allowing the Township to remove said encroachment at the sole cost and expense of the property owner.

- C) All License Agreements shall be recorded in the Clerk's Office of Monmouth County at the sole cost and expense of the property owner.
- D) The property owner, in addition to paying for the cost of recording the Revocable License Agreement, shall pay to the Township an annual fee of \$300.00 where the encroachment or encroachments cover less than 70 square feet of municipal property or right-of-way, and a \$500.00 annual fee for encroachments which cover 70 or more square feet of municipal property or right-of-way to be paid annually on the anniversary date of the License Agreement.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final adoption and publication of the notice of the adoption as required by law; and

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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

\_\_\_\_\_  
Mary Beth Jahn,  
Mayor

ORDINANCE NO. 15-45

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT HANDICAPPED ON-STREET PARKING ZONES ON PENNSYLVANIA AVENUE AND BATH AVENUE

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

SECTION 1

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by adding the following:

| <u>Name of Street</u> | <u>No. of Spaces</u> | <u>Location</u>   |
|-----------------------|----------------------|---|
| Pennsylvania Avenue   | 1                    | East side of Pennsylvania Avenue beginning 30 feet south of the southeast intersection of Pennsylvania Avenue and Asbury Avenue |
| Bath Avenue           | 1                    | North side of Bath Avenue beginning 56 feet east of the northeast intersection of Bath Avenue and Central Avenue                |

SECTION 2

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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

\_\_\_\_\_  
Mary Beth Jahn,  
Mayor

ORDINANCE NO 15-46

BOND ORDINANCE PROVIDING FOR SHARK RIVER DREDGING, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$300,000, said sum being inclusive of a cash down payment for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Such cash down payment shall be in the amount of \$15,000, consisting of an appropriation of \$15,000 in cash currently on deposit in, and available therefor from, the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$300,000 appropriation not provided for by application hereunder of the cash down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$285,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are the dredging of the Shark River, including, but not be limited to, other related improvements, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$285,000.

(c) The estimated cost of said improvements or purposes is \$300,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the cash down payment in the amount of \$15,000 available for such improvements or purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, other than the Monmouth County Open Space Grant, for the improvement and purpose authorized hereby and

the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, other than the Monmouth County Open Space Grant, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the

bonds or notes provided for in this bond ordinance by \$285,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$15,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$285,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

---

Richard J. Cuttrell,  
Municipal Clerk

---

Mary Beth Jahn,

RESOLUTION #15-387 – 9/28/15

AUTHORIZE AN EXECUTIVE SESSION AS AUTHORIZED BY  
THE OPEN PUBLIC MEETINGS ACT

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:  
  
Contract negotiations – West Lake Avenue Redevelopment RFP
3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.
4. This Resolution shall take effect immediately.

CERTIFICATION  
HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON \_\_\_\_\_ SEPTEMBER 28, 2015 \_\_\_\_\_



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-388 – 9/28/15

PARTICIPATE IN THE MONMOUTH COUNTY HIGH WATER MARK (HWM) INITIATIVE

WHEREAS, through the Division of Planning and the Office of Emergency Management, the Monmouth County Board of Chosen Freeholders and the Monmouth County Sheriff established the Community Rating System (CRS) Assistance Program to encourage municipal participation and advancement in the National Flood Insurance Program (NFIP) CRS program; and

WHEREAS, FEMA (Federal Emergency Management Agency) offers limited financial assistance to communities that want to raise flood risk awareness and conduct mitigation actions to protect the public from future flood events by posting high water mark signs that acknowledge the location of historic flood events; and

WHEREAS, the County of Monmouth in collaboration with Monmouth University are coordinating efforts and providing additional assistance to those communities that wish to participate in FEMA's national high water mark program; and

WHEREAS, coordination among municipalities in the County will provide a more cohesive message that improves community flood risk awareness and the need for mitigation both locally and throughout the region; and

WHEREAS, municipal participation in the Monmouth County High Water Mark Initiative is voluntary and is being offered at no cost to every municipality in the County, regardless of Community Rating System status; and

WHEREAS, municipal partners will identify the proper location for high water mark signs in their community as well as support public outreach and program launch events,

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Committee that the Township of Neptune wishes to participate in the Monmouth County High Water Mark (HWM) Initiative as a partner community and agrees to place at least one commemorative sign within the municipality and further agrees to allow Monmouth University's Urban Coast Institute to complete the appropriate surveying to establish the High Water Mark; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Monmouth County Sheriff's Office and the Neptune Township Emergency Management Coordinator.

CERTIFICATION  
HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON           SEPTEMBER 28, 2015          

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

RESOLUTION #15-389 - 9/28/15

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> |
|------------------|------------------------|---------------|
| 206/2            | 98 Main Avenue         | 405.00        |
| 3301/12          | 3454 West Bangs Avenue | 540.00        |

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

CERTIFICATION  
HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON SEPTEMBER 28, 2015

  
Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-390 - 9/28/15

AUTHORIZE AN AMENDMENT TO THE 2015 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 2015 in the sum of \$14,305.00 which is now available from a United States Department of Justice - Justice Assistance Grant in the amount of \$14,305.00; and,

BE IT FURTHER RESOLVED that the like sum of \$14,305.00 is hereby appropriated under the caption of 2015 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 – FY15 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$14,305.00; 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:      | aye     |
| Brantley:    | aye     |
| Houghtaling: | aye     |
| McMillan:    | aye     |
| Jahn:        | abesent |

CERTIFICATION  
HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON           SEPTEMBER 28, 2015          

  
\_\_\_\_\_

Richard J. Cuttrel, Municipal Clerk

RESOLUTION #15-391 – 9/28/15

AUTHORIZE DEVELOPERS' AGREEMENT WITH PATRICK FASANO AND VINCENT GIFFORD FOR IMPROVMENTS AT BLOCK 1006, LOTS 4 AND 5 (774 AND 778 WAYSIDE ROAD)

WHEREAS, Patrick Fasano and Vincent Gifford, applied for and were granted Final Major Site Plan Approval for purposes of creating thirty-two (32) townhouses, constructed within four, three-story buildings, located at Lot 4 and Lot 5, Block 1006 on the Tax Map of the Township of Neptune, along with associated landscaping, lighting, parking, storm water management and utility improvements, along with variances and waivers associated therewith before the Zoning Board of Adjustment of the Township of Neptune; and

WHEREAS, Patrick Fasano and Vincent Gifford have agreed to enter into a Developers' Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the application before the Zoning Board of Adjustment of Neptune Township; and

WHEREAS, it is in the best interest of the citizens of the Township of Neptune to enter this Developers' Agreement with Patrick Fasano and Vincent Gifford to ensure the proper compliance 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 Patrick Fasano and Vincent Gifford, a true copy of which is attached hereto as Exhibit "A" for compliance with the Zoning Board of Adjustment of Neptune Township's Resolution #14-23, 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 a certified copy of this resolution be forwarded to the Township Engineer and Administrative Officer to the Board of Adjustment.

CERTIFICATION  
HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON SEPTEMBER 28, 2015



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-392 - 9/28/15

ACCEPT THE RESIGNATION OF MATTHEW RICHARDSON AS A  
SPECIAL LAW ENFORCEMENT OFFICER – CLASS II

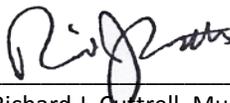
WHEREAS, the Township Committee has received a letter from Matthew Richardson resigning as a Special Law Enforcement Officer – Class II effective August 30, 2015,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Matthew Richardson as a Special Law Enforcement Officer – Class II is hereby accepted effective August 30, 2015; 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 Chief of Police.

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON           SEPTEMBER 28, 2015          



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-393 - 9/28/15

REQUIRE TOWNSHIP COMMITTEE MEMBERS TO ATTEND INSTRUCTIONAL COURSE  
ON RESPONSIBILITIES AND OBLIGATIONS OF ELECTED OFFICIALS

WHEREAS, the Township Committee encourages the practice of attending instructional courses covering pertinent and timely issues to assist in making informed governing decisions; and,

WHEREAS, while the Committee recommends taking multiple classes annually, it desires to establish the requirement that all current elected Township Committee members take at least one instructional course on an annual basis that covers such topics as ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use, personnel and technology.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that all elected Township Committee members shall hereby be required, on an annual basis, to attend at least one instructional course on responsibilities and obligations of elected officials; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Municipal Clerk and members of the Township Committee.

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON SEPTEMBER 28, 2015



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-394 - 9/28/15

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY  
NEPTUNE ESTATES, LLC FOR PHASE 1A SITE IMPROVEMENTS AT  
NEPTUNE ESTATES (3351 HIGHWAY 33)

WHEREAS, on May 10, 2010, the Township Committee adopted a resolution which accepted performance bond 1039630 in the amount of \$240,732.60 filed by Neptune Estates, LLC written by Lexon Insurance Company guaranteeing site improvements at Neptune Estates Phase 1A, 3351 Highway 33 (Block 7018, Lot 9); and,

WHEREAS, the Township Committee adopted Resolution #10-351 on September 13, 2010 authorizing a reduction in said bond to the amount of \$181,666.80; and,

WHEREAS, the Township Committee adopted Resolution #11-276 on June 27, 2011 authorizing a reduction in said bond to the amount of \$134,834.76; and,

WHEREAS, the Township Committee adopted Resolution #12-253 on June 25, 2012 authorizing a reduction in said bond to the amount of \$111,059.64; and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a further reduction in the performance guarantee to reflect the portion of the site improvements that have been completed; and,

WHEREAS, the Engineer recommends reducing the amount of the performance bond from \$111,059.64 to \$72,219.60; and,

WHEREAS, the Developer will be instructed to provide a Change Rider to the original performance guarantee to reflect the reduced amount,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Neptune Estates, LLC, Phase 1A (Block 7018, Lot 9) be and is hereby approved to the amount of \$72,219.60 and the Municipal Clerk is directed to accept a Change Rider submitted by the Developer to reflect said reduction; and,

BE IT FURTHER RESOLVED, that the proportionate amount of the cash portion of the performance guarantee in the amount of \$4,361.47 shall be refunded to the Developer; and,

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

CERTIFICATION  
HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON           SEPTEMBER 28, 2015          

  
Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-395 - 9/28/15

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY  
NEPTUNE ESTATES, LLC FOR PHASE 1B SITE IMPROVEMENTS AT  
NEPTUNE ESTATES (3351 HIGHWAY 33)

WHEREAS, on June 27, 2011, the Township Committee adopted a resolution which accepted performance bond 1070127 in the amount of \$491,778.00 filed by Neptune Estates, LLC written by Lexon Insurance Company guaranteeing site improvements at Neptune Estates Phase 1B, 3351 Highway 33 (Block 7018, Lot 9); and,

WHEREAS, the Township Committee adopted Resolution #12-254 on June 25, 2012 authorizing a reduction in said bond to the amount of \$273,538.73; and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a further reduction in the performance guarantee to reflect the portion of the site improvements that have been completed; and,

WHEREAS, the Engineer recommends reducing the amount of the performance bond from \$273,538.73 to \$163,205.82; and,

WHEREAS, the Developer will be instructed to provide a Change Rider to the original performance guarantee to reflect the reduced amount,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Neptune Estates, LLC, Phase 1B (Block 7018, Lot 9) be and is hereby approved to the amount of \$163,205.82 and the Municipal Clerk is directed to accept a Change Rider submitted by the Developer to reflect said reduction; and,

BE IT FURTHER RESOLVED, that the proportionate amount of the cash portion of the performance guarantee in the amount of \$12,285.51 shall be refunded to the Developer; and,

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

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON SEPTEMBER 28, 2015



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-396 - 9/28/15

EXTEND TERM OF UDAG LOAN GRANTED TO ALL AMERICAN TURF

WHEREAS, in 2007, the UDAG Loan Committee granted a ten year UDAG Reciprocal Loan for improvements to All American Turf located at Corlies Avenue and West Bangs Avenue; and,

WHEREAS, there are currently 24 monthly payments remaining on the loan until it is fully paid; and,

WHEREAS, All American Turf has requested an extension of the term on said loan for an additional 24 months whereby the balance of the loan will be repaid in 48 equal monthly payments at the same interest rate of 4.125%; and,

WHEREAS, the EDC/UDAG Loan Committee recommends that this extension be granted,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the UDAG Reciprocal Loan granted to All American Turf for improvements at Corlies Avenue and West Bangs Avenue be and is hereby extended by twenty-four (24) months to allow for payment of the current balance of said loan in the amount of \$23,910.14 to be made over forty-eight (48) equal monthly payments at an interest rate of 4.125%; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Economic Development Corporation Secretary.

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON           SEPTEMBER 28, 2015          



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-397 - 9/28/15

AUTHORIZE EXECUTION OF A BUSINESS ASSOCIATE AGREEMENT WITH JUNGLE LASERS, LLC IN CONNECTION WITH PROCESSING OF VITAL STATISTICS RECORDS

WHEREAS, the Township has contracted with Jungle Lasers, LLC to provide software programs for processing various permits and licensing requests in various Township departments; and,

WHEREAS, there is Protected Health Information (PHI) generated and received by the Vital Statistics Department; and,

WHEREAS, the Township and Jungle Lasers, LLC desire to enter into a Business Associate Agreement to outline terms, procedures and conditions to protect the privacy and provide for the security of this information; and,

WHEREAS, the State of New Jersey requires the execution of such an Agreement and the Township Attorney has approved same,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby confirms the action of the Business Administrator to execute a Business Associate Agreement with Jungle Lasers, LLC, a copy of which is on file with the Municipal Clerk, outlining the procedures and regulations for the handling of Protected Health Information generated and received by the Department of Vital Statistics and processed through Jungle Laser, LLC software programs; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator.

CERTIFICATION  
HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON SEPTEMBER 28, 2015

  
Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-398 - 9/28/15

EXTEND CONTRACT FOR ON-LINE GRANT MANAGEMENT AND REPORTING SYSTEM

WHEREAS, on October 5, 2011, the Purchasing Agent received bids for the award of a contract for on-line grant management and reporting software; and,

WHEREAS, on October 6, 2011, the Township Committee adopted Resolution #11-417 which awarded a contract to eCivis, Inc. on their lowest responsible bid of \$19,000.00 annually; and,

WHEREAS, the Purchasing Agent recommends that this bid be extended for a fifth and final year; and,

WHEREAS, funds for this purpose will be provided in the 2015 municipal budget in the appropriation entitled Administration 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 contract awarded to eCivis, Inc. supply an on-line grant management and reporting system at an annual cost of \$19,000.00 be and is hereby extended for a fifth year from October 11, 2015 through October 10, 2016; and,

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

CERTIFICATION  
HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON           SEPTEMBER 28, 2015          

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

RESOLUTION #15-399 - 9/28/15

AUTHORIZE INSTALLATION OF AUTOMATED GATES AT THE PUBLIC WORKS YARD

WHEREAS, the Purchasing Agent solicited quotes for the installation of automated gates at the Public Works Yard; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Purchasing Agent who has recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 15-38 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 installation of automated gates at the Public Works Yard be and is hereby authorized through Sommer Fencing, LLC pursuant to their quote of \$25,482.00 for all six containers; and,

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

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON SEPTEMBER 28, 2015



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-400 - 9/28/15

AUTHORIZE EMPLOYMENT OF ON-CALL TEMPORARY  
PLUMBING SUB-CODE OFFICIAL

WHEREAS, due to vacation time taken by the appointed Plumbing Sub-Code Official, it is necessary to authorize an on-call temporary employee to serve in as Sub-Code Official in his absence to ensure uninterrupted processing of construction permits; and,

WHEREAS, the Construction Official recommends the employment of a licensed individual to serve in this capacity; and,

WHEREAS, funds will be provided in the 2015 municipal budget in the appropriation entitled Uniform Construction Code S&W 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 the employment of Patrick Duggan to serve on-call part-time temporary Plumbing Sub-Code Officer, in the absence of the appointed Township Plumbing Sub-Code Official, 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 Construction Official, Business Administrator, Chief Financial Officer, Assistant C.F.O., and Human Resources.

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON           SEPTEMBER 28, 2015          



Richard J. Cottrell, Municipal Clerk

RESOLUTION #15-401 – 9/28/15

RECOMMEND ADOPTION OF SPECIAL AREA STANDARDS  
PER N.J.A.C. 5:21-3.5

**WHEREAS**, the Township of Neptune has adopted a Comprehensive Master Plan, dated January 25, 2012, which makes the following recommendation relative to streets and parking in the designated Ocean Grove Historic District:

*The rules concerning streets and parking, as promulgated in the Residential Site Improvement Standards (RSIS) are not appropriate in furthering the on-going preservation and continued enhancement of the Historic portions of the Township. Pursuant to N.J.A.C. 5:21-3.5, Neptune Township should incorporate "special area standards" for Ocean Grove into the Township's New Land Development Ordinance, to be submitted and approved by the New Jersey Site Improvement Advisory Board. (p. 45)*

**WHEREAS**, the Land Development Ordinance establishes zoning district regulations for on- and off-street motor vehicle parking at Section 412.17, and for driveways at Section 412.06; and

**WHEREAS**, Table 4.2 in Section 412.17.D of the Land Development Ordinance establishes the required number of parking spaces for specific uses throughout the Township; and,

**WHEREAS**, Section 412.D of the Land Development Ordinance promotes consistency with the intent and purpose of the Residential Site Improvement Standards, N.J.A.C. 5:21-4.14, regarding minimum number of required parking spaces for residential land uses; and

**WHEREAS**, Table 4.2 in Section 412.17.D of the Land Development Ordinance prohibits off-street parking for residential land uses in all designated historic districts; and

**WHEREAS**, in furtherance of the prohibition of off-street parking in designated historic districts contained in Section 412.17.D of the Land Development Ordinance, Section 412.06 prohibits new driveways in all historic zone districts; and

**WHEREAS**, N.J.A.C. 5:21-3.5(a) recognizes the need for New Jersey municipalities to preserve and enhance community character, and sets forth a procedure whereby a municipal approving authority may develop and recommend to the New Jersey Site Improvement Advisory Board alternative standards from those set forth in N.J.A.C. 5:21 et seq.; and

**WHEREAS**, N.J.A.C. 5:21-3.5(b)3 permits the designation of a special area within an area of a municipality that exhibits a distinct character worthy of preservation and enhancement; and

**WHEREAS**, Ocean Grove is a designated historic district pursuant to N.J.S.A. 40:55D-65.1, and is located in the Metropolitan Planning Area (Planning Area 1) identified in the State

Development and Redevelopment Plan, thereby qualifying for designation as a special area pursuant to N.J.A.C. 5:21-3.5(b); and

**WHEREAS**, *The properties that compromise the North End Redevelopment and are covered under a separate redevelopment plan are excluded from this proposal;*

**WHEREAS**, the Township Committee of Neptune Township makes the following findings of fact relative to off-street parking for residential land uses and driveways in the designated Ocean Grove Historic District:

1. The prohibition against off-street parking for residential land uses and new driveways intends to preserve the unique, historic pattern of land development in the designated Ocean Grove Historic District;
2. The prohibition against off-street parking for residential land uses and new driveways in the designated Ocean Grove Historic District seeks to preserve the shared inventory of public on-street parking spaces by barring new driveway cuts and driveway aprons into established curbs and sidewalks;
3. The prohibition against off-street parking for residential land uses and new driveways in the designated Ocean Grove Historic District seeks to enhance pedestrian safety and character of the District by limiting new vehicular movements across sidewalks; and
4. The prohibition against off-street parking for residential land uses and new driveways intends encourage the maximum permitted building coverage within established building envelopes in the designated Ocean Grove Historic District, while minimizing the amount of lot coverage dedicated solely to asphaltic, concrete, graveled or other impervious surfaces; and

**WHEREAS**, Township Committee of Neptune Township wishes to designate the entirety of the Ocean Grove Historic District as a special area, incorporating the following regulations as set forth in Table 4.2 in Section 412.17.D and Section 412.06 of the Land Development Ordinance:

1. Table 4.2 in Section 412.17.D:

| <b>USE</b>                               | <b>OFF-STREET PARKING REQUIREMENT</b>                                       |
|--|---|
| Residential Single-family or multifamily | SEE RSIS STANDARDS except for residential historic districts                |
| Uses in historic zone districts          | No off-street parking permitted or required, except for new historic hotels |

*This proposal specifically excludes those properties within the North End Redevelopment area.*

2. Section 412.06 – New driveways shall be prohibited in all Historic Zone Districts;  
and,

**WHEREAS**, the New Jersey Site Improvement Advisory Board requires a municipality seeking approval of special area standards to adopt a resolution explaining the criteria and rationale for the designation of said special area.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF NEPTUNE TOWNSHIP, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**, that it is the recommendation of the Township Committee that the entirety of the Ocean Grove Historic District be deemed a special area by the New Jersey Site Improvement Advisory Board.

**BE IT FURTHER RESOLVED** that it is the recommendation of the Township Committee that the herein cited Land Development Ordinance regulations relative to off-street parking and driveways be determined special area standards by the New Jersey Site Improvement Advisory Board.

**VOTE TO ADOPT:**

**AYES:** Brantley, Bishop, Houghtaling, McMillan  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** Jahn

**CERTIFICATION**

I hereby certify that the within is a true copy of the Resolution adopted by the Neptune Township Committee at its meeting on the 28th day of September, 2015.

---

Richard J. Cuttrell  
Township Clerk

CERTIFICATION  
HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON SEPTEMBER 28, 2015



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Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-402 – 9/28/15

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               | \$4,027,402.56 |
| FEDERAL & STATE GRANT FUND | 33,421.57      |
| TRUST OTHER                | 38,677.64      |
| GENERAL CAPITAL FUND       | 12,021.05      |
| SEWER OPERATING FUND       | 1,076,897.42   |
| SEWER CAPITAL FUND         | 3,995.99       |
| MARINA OPERATING FUND      | 4,870.00       |
| MARINA CAPITAL FUND        | 728.75         |
| DOG TRUST                  | 7,477.00       |
| LIBRARY TRUST              | 1,282.00       |
| <br>                       |                |
| BILL LIST TOTAL            | \$5,206,773.98 |

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

CERTIFICATION  
HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON SEPTEMBER 28, 2015

  
Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-403 – 9/28/15

AUTHORIZE CONTINUED SERVICES OF THE MUNICIPAL PLANNER JENNIFER C. BEAHM OF CME ASSOCIATES AND PAYMENT OF FEES FOR UPDATING NEPTUNE TOWNSHIP'S HOUSING ELEMENT AND FAIR SHARE PLAN AND INCIDENTAL SERVICES RELATED TO REQUIREMENTS OF THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH UNDER MT. LAUREL DOCKET NO. L-2236-15

WHEREAS, on May 13, 2013 the Township Committee of the Township of Neptune adopted a resolution authorizing the services of Municipal Planner, Jennifer C. Beahm, of CME Associates, and payment of fees for updating the Township's Spending Plan, review of the Council on Affordable Housing Statement of Municipal Affordable Housing Trust Fund current balance, and approval of the Municipal Affordable Housing Trust Fund Spending Plan, with certification and production of documents concerning committed funds, as well as other related Mt. Laurel items; and

WHEREAS, since the aforesaid authorization, Jennifer C. Beahm has also provided services with regard to reviewing and certifying as to the content of the Township's Housing Plan Element and Fair Share Plan and amendments to the same Plan, which occurred on October 21, 2009, and was originally prepared by the engineering firm of T&M Associates, and certified to the content of the aforesaid Plan to the Superior Court of New Jersey, Monmouth County, Law Division, "In the Matter of the Application of the Township of Neptune, County of Monmouth" Docket No. MON-L-2236-15; and

WHEREAS, as a result of the aforesaid lawsuit prompted by a New Jersey Supreme Court decision entitled, "In Re: Adoption of N.J.A.C. M-392 (N.J. 3-10-2015)" the continued services of Jennifer C. Beahm were needed and provided on a Notice of Motion that was filed by the Township Attorney per the authorization of the governing body, and such continued services shall be needed to address the requirements of the Superior Court of New Jersey, Law Division, Monmouth County, per its Orders of September 17, 2015; and

WHEREAS, the aforesaid services are now offered per a proposed letter contract of September 1, 2015 from CME Associates and Jennifer C. Beahm, a copy of which is on file in the Office of the Municipal Clerk, for a fee of \$14,850.00.

WHEREAS, funds for this purpose available in the Affordable Housing Trust Fund and the Chief Financial Officer has so certified in writing,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune, Monmouth County, New Jersey, that the governing body hereby authorizes the present Municipal Planner, Jennifer C. Beahm, of CME Associates, to update the Township's Housing Element and Fair Share Plan, and all services related thereto, and services necessary to address the action brought by the Township of Neptune in the Superior Court of New Jersey, Law Division, Monmouth County, under Docket No. L-2236-15; and,





RESOLUTION #15-404 – 9/28/15

AUTHORIZE ESCROW FUND WITH AN INITIAL DEPOSIT OF \$5,000.00 PER THE COURT ORDER OF SEPTEMBER 17, 2015 IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY UNDER DOCKET NO. MON-L-2236-15 – MT. LAUREL APPLICATION

WHEREAS, the Township Committee authorized the Township Attorney to file a Complaint for Declaratory Judgment and Notice of Motion appointing a Master to review its Affordable Housing Plan and granting a Temporary Stay on all Exclusionary Zoning Actions and interim immunity pending final determination of the Township's Complaint; and

WHEREAS, the aforesaid pleadings were prompted by a New Jersey Supreme Court decision entitled, "In Re: Adoption of N.J.A.C. M-392 (N.J. 3-10-2015)" requiring all municipalities to have County Superior Court review and approve of their Affordable Housing Plans; and

WHEREAS, the Superior Court of New Jersey granted Neptune Township's Motion for a Temporary Stay on all Exclusionary Zoning Actions and appointed a Special Master to review the Township's Affordable Housing Plan, but required further that the Township establish an escrow account with an initial deposit of \$5,000.00 to be held and administered by the municipality to pay the fees of the Special Master assigned to Neptune Township and to a Regional Special Master, for all municipalities in Monmouth County pursuant to the Superior Court's Orders of September 17, 2015; and,

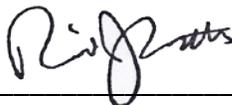
WHEREAS, funds for this purpose available in the Affordable Housing Trust Fund and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune, Monmouth County, New Jersey, that the governing body hereby authorizes the establishment of an escrow account with an initial deposit of \$5,000.00 to be held and administered by the municipality through the office of the Chief Financial Officer, pursuant to and in accordance with the Court Orders of September 17, 2015 issued by the Superior Court of New Jersey under Docket No. L-2236-15; and,

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

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON SEPTEMBER 28, 2015



Richard J. Cuttrell, Municipal Clerk

# TABLED

RESOLUTION #15-405 – 9/28/15

## AUTHORIZE REVOCABLE LICENSE AGREEMENT WITH SOUTHPORTE CONDOMINIUM ASSOCIATION

WHEREAS, Southporte Condominium Association, with property located at 120 South Concourse, Neptune Township, New Jersey, and property in question located at Block 5607, Lot 3 (formerly Block 550, Lot 23), on the tax map of the Township of Neptune has requested a Revocable License Agreement be entered into between Neptune Township, New Jersey and Southporte Condominium Association in Neptune Township concerning encroachments upon the municipal right-of-way; and

WHEREAS, Southporte Condominium Association is seeking a license to provide and to maintain certain encroachments presently in the municipal right-of-way including a fence, fire pit, picnic table, two tiki bars/huts, kayak rack and statutory ornaments, benches and paver patio within the 70 foot municipal right-of-way, subject to their removal should the controlling authority have reasonable cause to believe that such encroachments need to be removed from the aforesaid right-of-way, and subject to a Revocable License Agreement.

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes a Revocable License Agreement with Southporte Condominium Association, a copy of which is on file in the Office of the Municipal Clerk, subject to the conditions of the Agreement, with payment to the Township of Neptune of \$500.00 in rent per year to be paid on the anniversary date annually, plus costs of recording of said Revocable License Agreement in the Clerk's Office of Monmouth County, paid to the Law Office of Gene J. Anthony, Esq., and subject to all other requirements in the aforesaid Revocable License Agreement; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the Agreement, and return to the Township Attorney for recording; and,

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

RESOLUTION #15-406 - 9/28/15

AUTHORIZE PARTICIPATION WITH THE COUNTY OF MONMOUTH AND ADJACENT MUNICIPALITIES IN A STATE/COUNTY/LOCAL COST SHARING AGREEMENT IN CONNECTION WITH THE DREDGING OF THE SHARK RIVER NAVIGATIONAL CHANNELS

WHEREAS, the State of New Jersey has awarded a bid to Mobile Dredging & Pumping Company in the amount of \$7,649,817.50 for the dredging of the Shark River navigational channels; and,

WHEREAS, this bid award is the result of many years of effort by elected officials of the Township of Neptune, County of Monmouth and State of New Jersey to get this long overdue project underway; and,

WHEREAS, the Township of Neptune desires to join with the County of Monmouth, the Township of Wall, the Borough of Belmar and the Borough of Neptune City in a cooperative effort to provide local funds for this project; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes participation in a state/local cost sharing agreement in connection with the project to dredge the Shark River navigational channels and expresses its commitment to appropriate \$450,000.00 to the cost of the project; and,

BE IT FURTHER RESOLVED, that the execution of a Cost Sharing Agreement to effectuate said appropriation be and is hereby authorized; and,

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

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON SEPTEMBER 28, 2015



Richard J. Cuttrell, Municipal Clerk