

**TOWNSHIP COMMITTEE WORKSHOP MEETING – MARCH 9, 2015 – 5:00 P.M.**

Mayor Jahn calls the workshop meeting to order at 5:00 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. Cuttrell, 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, a revised notice published on February 26, 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 – Goals and initiatives for 2015.
  
2. Discussion – 2015 municipal budget (introduction planned for March 23<sup>rd</sup> meeting)
  
3. Discussion – Division Street Redevelopment Plan.
  
4. Review Committee calendars/update on outstanding issues and capital items.  
- Various on-going capital improvement projects.

Res. # 15-119 – 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 – MARCH 9, 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, a revised notice published on February 26, 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 meeting held on February 23rd.

**PROCLAMATION**

The Mayor will proclaim the week of March 15<sup>th</sup> to March 21<sup>st</sup> as Poison Prevention Week in the Township of Neptune.

**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. 15-08 - An ordinance to amend Sections 201 and 410 of the Land Development Ordinance of the Township of Neptune by establishing “Net Density Provisions Affecting Residential Zones” – Final Reading

*Explanatory statement: This ordinance amends the Township Land Development Ordinance by establishing a Net Residential Density Requirement and providing for the calculation of said requirement.*

Public Hearing:

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

ORDINANCE NO. 15-09 - An ordinance to amend Section 201 of the Land Development Ordinance of the Township of Neptune by amending the definition of “Impervious Cover” – Final Reading

*Explanatory statement: This ordinance amends the Township Land Development Ordinance by amending the definition of Impervious Cover.*

Public Hearing:

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

ORDINANCE NO. 15-10 - An ordinance to amend Volume I, Chapter XIII, Section 13-1 of the Code of the Township of Neptune to amend the provisions regulating the excavation of streets and sidewalks – First Reading

*Explanatory statement: This ordinance amends the provisions of the existing ordinance regulating the excavation of streets and sidewalks, primarily to reflect that the Township Engineering Department is taking over responsibility of administering the ordinance.*

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

ORDINANCE NO. 15-11 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding a resident handicapped on-street parking zone on Clark Avenue and removing zones on Ocean Pathway and New Jersey Avenue – First Reading

*Explanatory statement: This ordinance authorizes a resident handicapped on-street parking zone in front of 54 Clark Avenue and removal of handicapped parking zones in front of 24 Ocean Pathway and adjacent to*

101 Webb Avenue.

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

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

**ORDINANCE NO. 15-12** – An ordinance to exceed the municipal budget appropriation limits and establish a cap bank for purposes of introducing the 2015 municipal budget. – First Reading

*Explanatory Statement: This ordinance permits the introduction of the annual municipal budget with a maximum appropriations increase of 3.5%. This ordinance does not amend or change the 2% tax levy cap.*

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

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

The Public Hearings on Ordinances 15-10, 15-11 and 15-12 will be held on Monday, March 23, 2015.

### **CONSENT AGENDA**

Res. # 15-120 – Appoint Alternate Prosecutor.

Res. # 15-121 – Appoint Alternate Public Defender.

Res. # 15-122 – Accept the resignation of Timothy Griswold as Special Law Enforcement Officer – Class II.

Res. # 15-123 – Grant leave of absence to John Jackson under the Family Medical Leave Act.

Res. # 15-124 – Accept the resignation of Shane Toohey as a member of the Environmental/Shade Tree Commission.

Res. # 15-125 – Authorize Township Engineering Consultant to prepare Master Plan Land Use Updates through Post Sandy Planning Assistance grants.

Res. # 15-126 – Accept performance guarantee and authorize execution of a Developer's Agreement filed by Petro Realty, LLC for site improvements at the Mobil Station at 3330 Route 66.

Res. # 15-127 – Accept a grant from the Hazardous Discharge Site Remediation Fund Public Entity Program through the New Jersey Economic Development Authority and the Department of Environmental Protection (former Chidnese Property – 1825 West Lake Avenue).

Res. # 15-128 – Accept the resignation of Samantha Marcus as a Special Law Enforcement Officer – Class I.

Res. # 15-129 – Authorize purchase of municipal software applications.

Res. # 15-130 – Recast two UDAG improvement loans issued to Suniland Furniture.

Res. # 15-131 – Apply for a Department of Environmental Protection grant for the development of a Municipal Public Access Plan.

Res. # 15-132 – Authorize the refund of sewer rent (102 Prospect Avenue).

Res. # 15-133 – Authorize the cancellation of sewer rent.

Res. # 15-134 – Reclassify employee to the position of Heavy Equipment Operator.

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

Res. # 15-135 – Authorize the payment of bills.

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. 15-10

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XIII,  
SECTION 13-1 OF THE CODE OF THE TOWNSHIP OF  
NEPTUNE TO AMEND THE PROVISIONS REGULATING THE  
EXCAVATION OF STREETS AND SIDEWALKS

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

SECTION 1.

Volume I, Chapter XIII, Section 13-1, entitled "Excavation of Streets and Sidewalks", shall be amended in its entirety as follows:

13-1 EXCAVATION OF STREETS AND SIDEWALKS.

13-1.1 Definition of Department of Engineering & Planning.

Whenever in this section reference is made to the "Department of Engineering & Planning" or their designated representative," this shall also mean that in the event there is no Director of Engineering & Planning, this shall then refer to the Assistant Director of Engineering & Planning.

13-1.2 Permit Required.

No person, firm or corporation shall excavate, dig up or disturb any right of way, street, avenue, highway, road, alley, sidewalk, or any public place whatsoever in the Township of Neptune, in the County of Monmouth for the purpose of laying, installing, replacing or repairing of water, gas and sewer pipes and mains, and telephone and electrical conduits, storm sewer, curbing, driveways or for any other purpose whatsoever without obtaining a permit therefore from the Director of Engineering & Planning or their designated representative.

13-1.3 Application Information and Fee.

Permit forms shall be obtained from the Director of Engineering & Planning, or their designated representative, and shall contain the name and address of the person, firm or corporation making the application, and signed by the applicant or a duly authorized agent, and shall set forth the location where work is to be performed, the character of the work, and the time within which it is to be completed, together with scaled drawings of the proposed work, together with a nonrefundable application fee of twenty-five (\$25.00) dollars for every one hundred (100) square feet of opening or fraction thereof.

13-1.4 Excavation of Streets Not Permitted During the Summer Season in the Ocean Grove Historic District.

A road excavation permit issued for any street within the Ocean Grove Historic District shall only be valid between September 16<sup>th</sup> and April 30<sup>th</sup>. No excavation of streets shall be permitted within the Ocean Grove Historic District between May 1<sup>st</sup> and September 15<sup>th</sup>. A road excavation permit may be issued for a road excavation during the prohibited time period in the event of emergency circumstances as determined by the Director of Engineering & Planning.

#### 13-1.5 Insurance Required; Amount.

Before a permit is issued the applicant shall be required to deliver to the Director of Engineering & Planning or their designated representative, a certificate of insurance in the amount of one hundred thousand (\$100,000.00) dollars to two hundred fifty thousand (\$250,000.00) dollars for bodily injury, and twenty-five thousand (\$25,000.00) dollars property damage for the purpose of indemnifying the Township of Neptune, in the County of Monmouth for any personal injuries or property damage that may be sustained during the progress of the work.

#### 13-1.6 Bond Requirements.

Before a permit will be issued, a street opening performance bond in favor of the Township shall be posted in the amount of four thousand (\$4,000.00) dollars for a term of five (5) years to guarantee the cost of replacing or repairing any street, road, avenue, highway, sidewalk, curb, gutter, alley or driveway or any other public place whatsoever to its original condition where the work has been performed. Permanent restoration shall be made within three (3) months after completion of the work, subject to the provisions of subsection 13-1.10 herein relating to permanent restoration of road surfaces and subject to the approval of the Director of Engineering & Planning or their designated representative. The said Township may undertake the permanent restoration if the permittee so requests provided the permittee shall pay, in advance, the prevailing cost in cash or by certified check as determined by the Director of Engineering & Planning or their designated representative.

#### 13-1.7 Tunneling or Boring Requires Special Permission.

Tunneling or boring will be permitted in special cases, subject to the approval of the Director of Engineering & Planning or their designated representative, with the filing of a performance bond in an amount and term required by the Township Committee, and in accordance with the specifications approved by the Township Committee.

#### 13-1.8 Traffic and Pedestrian Protection.

Any person, firm or corporation undertaking any work pursuant to any permit shall keep the area where the work is performed open to traffic at all times, barricading every excavation on all sides and posting warning signs during the day and one-half (1/2) hour before sunset and one-half (1/2) hour after sunrise; lights shall be placed around such excavation, in addition to the aforesaid barricades. Provisions for the protection of pedestrians and vehicles shall be in such manner as shall be satisfactory to the Police Department of the Township of Neptune pursuant to the Manual on Uniform Traffic Control Devices (MUTCD). If the excavation extends the full width of the street, avenue, road, etc., only one-half (1/2) of the road shall be opened, and this is to be backfilled before the other half is opened to permit the free flow of traffic at all times.

#### 13-1.9 Public Utilities; Corporations; Bond Required.

Any corporation which is a public utility, subject to regulation by the Board of Public Utility Commissioners of the State of New Jersey, or a municipal corporation of the State of New Jersey, may, in lieu of the provisions of subsection 13-1.5 hereof, post a bond of the public utility corporation or municipal corporation, as the case may be, in the penal sum of ten thousand (\$10,000.00) dollars. Such bond shall be conditioned upon the compliance with the applicable provisions of this section in respect to any work which shall be hereafter performed by such a public utility corporation or municipal corporation in the Township of Neptune, and the obligation

of such bond shall be a continuing obligation to the full amount thereof for any and all work performed.

#### 13-1.10 Permit Fee for Utilities or Corporations.

a. Whenever any such public utility, corporation or municipal corporation has filed such a bond and while the same is in full force and effect and furnishes a scaled drawing of the proposed work, requests the Director of Engineering & Planning or their designated representative, by written application on the forms provided, to issue said utility or corporation a permit, it shall be the duty of the Director of Engineering & Planning, or their designated representative, to issue a permit, the fee for which shall be twenty-five (\$25.00) dollars for every one hundred (100) square feet of opening or fraction thereof. In the event a public utility is performing multiple openings on the same avenue, street or roadway, within the same block (maximum of three hundred (300') feet in length) for maintenance or repair of underground utilities, the public utility or corporation is permitted to file one (1) blanket application for said block (maximum of three hundred (300') feet in length) at a fee not to exceed seventy-five (\$75.00) dollars.

b. A public utility corporation or municipal corporation, during the period while such bond is in full force and effect, may in lieu of filing a certificate of insurance for bodily injury and property damage in the amounts as set forth in this section, file with the Director of Engineering & Planning or their designated representative, a certificate certifying that it is a self-insurer and exempt from the necessity of obtaining an insurance policy pursuant to the provisions of the statutes of the State of New Jersey, and that the Township of Neptune is completely indemnified thereby.

#### 13-1.11 Backfilling; Restoration of Surface.

The permittee shall assume all responsibility and hold the Township harmless for any property damage or bodily injury which may occur as a result of the work performed from the time the work commences until the permanent restoration has been made by the permittee. The permittee shall immediately backfill the opening with excavated material if such material is suitable, in layers not exceeding two (2') feet in thickness if heavy compacting equipment is used or in layers not exceeding one (1') foot in thickness if hard or light compacting is used. This fill shall be brought to an elevation of six (6") inches below the permanent surface. If the Director of Engineering & Planning, or their designated representative, determines that the excavated material is not suitable for backfilling as specified, then it shall be removed from the site and the opening backfilled as herein specified with suitable material, then six (6") inches of road gravel of a grade satisfactory to the Director of Engineering & Planning, or their designated representative, shall be applied and thoroughly compacted. This temporary restoration shall be checked for settling and all holes shall be filled evenly with the surface of the adjoining pavement.

Once the excavation work area has been properly saw cut, and the backfill tamped and compacted, the permittee shall install no less than six (6") inches of bituminous stabilized base course to the trench surface. If the distance from the edge of the excavation work area to the existing curb is less than two (2') feet, the permittee shall be required to excavate to the curb and evenly install six (6") inches of bituminous stabilized base course in the entire area.

The partially restored pavement shall be allowed to settle for no less than ninety (90) and no more than one hundred eighty (180) days. If at any time during the settlement period, the trench becomes unacceptable as determined by the Director of Engineering & Planning,



the permittee shall be notified of the condition requiring repair, and such repair shall be performed within twenty-four (24) hours of such notification by the Director Engineering & Planning. If the repair is not made in the time specified, the Township may make the repair and any cost thereof will be charged against the permittee's cash repair deposit and/or maintenance bond. At the end of the period of time of settlement required by the Department of Engineering & Planning, an inspection shall be performed by the Department.

At this time, the permittee shall be required to mill the excavation work area surface to a width equal to one (1') foot wider on each side of the initial repair and install no less than two (2") inches of FABC surface course. The permittee shall also be required to provide a tack coat on all existing bituminous and concrete surfaces and a hot-poured, rubber asphalt joint sealer (per current DOT Standard Specifications for Roads and Bridges).

Unless authorized by the Department of Engineering & Planning, any excavation less than ninety (90) square yards shall require milling and restoration of the excavation work area extending a minimum of one (1') foot beyond the edge of excavation to the nearest curb. Any excavation equal to or greater than ninety (90) square yards shall require milling and restoration of the excavation work area extending from the center line of road to the curb and extending a minimum of one (1') foot beyond the outer edges of the excavation. If the excavation work area will be within two hundred (200') feet or less of previous excavations occurring within one (1) year of the subject excavation (by same permittee along the same side of the road), the permittee shall be required to mill and restore the roadway between the outer most excavations.

The permittee shall be required to replace any facilities including, but not limited to, curb, pavement, sidewalk, line striping, etc., that is affected by the excavation and restoration work, at the permittee's expense. Such work shall be performed according to Township standards.

With Department of Engineering & Planning approval, center line of road milling and restoration may be offset by the distance necessary to avoid disturbing existing line striping or markers. (Ord. No. 1671 § 10)

Work that is completed in the Public Right of Way, but outside of the cartway, should be restored to existing conditions. If the work contains curb and sidewalk then the area shall be restored with curb and sidewalk in accordance with the Township Engineer's review and recommendations on specifications.

If the work was other than sidewalk, such as slate or pavers, than it shall be restored to slate or pavers or the material that existed prior to excavation.

#### 13-1.12 Engineering Inspection and Construction Administrative Escrow Fees.

The permittee shall establish an engineering inspection escrow account with the Township Finance Officer unless specifically waived by the Township of Neptune, by and through the Department of Engineering & Planning. The account shall be for five (5%) percent of the estimated cost of the project, or five hundred (\$500.00) dollars, whichever is greater. The escrow shall be used by the Township for the reimbursement of engineering fees, inspection fees and other reasonable fees associated with the permittee's project.

In the event that charges deplete the escrow account by more than fifty (50%) percent of the original submission, the permittee shall be notified and requested to submit additional escrow sums in sufficient amount to restore the escrow account to not less than seventy-five (75%) percent of the original escrow deposit.

### 13-1.13 Emergency Permits.

In case of emergency, an emergency permit may be issued by the Police Department of the Township of Neptune, after which an application for a permit, as hereinbefore required, shall be made to the Director of Engineering & Planning, or their designated representative, within forty-eight (48) hours after the work has been commenced. (Ord. No. 1671 § 12)

### 13-1.14 Excavation of Newly Paved Streets.

When the Township improves or paves any street or a person or representatives of a person improves or paves any street, the Township Engineer's office shall first give notice to all persons owning property abutting the street about to be paved or improved and to all public utilities and authorities operating in the Township, and all such persons, utilities and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street within sixty (60) days of the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Township Engineer.

No street opening permit shall be issued by the Director of Engineering & Planning to any person given notice under this section or their assignees or successors which would allow an excavation or opening in paved and improved street surface less than three (3) years old unless the applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or unless an emergency condition exists.

If determined that the roadway needs to be opened in the event of an emergency the penalty shall apply.

The penalty charge shall be on a sliding scale determined as follows:

- |                                   |           |
|-----------------------------------|-----------|
| a. Penalty assessment             | = \$1,000 |
| b. Area of road cut in S.F. x \$5 | = Varies  |
| Total a. and b.                   | = Varies  |

Penalty factor is three (3%) percent of the above total for each unelapsed month or fraction thereof of the three (3) year (36 months) restricted period. Maximum penalty shall be one hundred eight (108%) percent of above total and minimum penalty shall be five hundred (\$500.00) dollars. Inspection and permit fees are payable in addition to the penalty charges set forth herein pursuant to subsection 13-1.13. No portion of the penalty charge shall be refundable and penalty charges do not relieve the permit holder from the required performance cash bond or the required insurance. Restoration of all road openings in "new street" pavement shall be to a "newly paved" condition. The restoration shall be according to subsection 13-1.10.

### 13-1.15 Penalties for Violations.

Any person, firm or corporation violating any of the provisions of this section shall, upon conviction, suffer and be subject to a fine not exceeding the amount authorized in N.J.S.A. 40:49-5, a term of imprisonment not exceeding the term authorized in N.J. S.A. 40:49-5 or a period of community service not exceeding the period authorized in N.J.S.A. 40:49-5 or any combination thereof.

## SECTION 2

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

SECTION 3

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrell,  
Municipal Clerk

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Mary Beth Jahn,  
Mayor

ORDINANCE NO. 15-11

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A RESIDENT HANDICAPPED ON-STREET PARKING ZONE ON CLARK AVENUE AND REMOVING ZONES ON OCEAN PATHWAY AND NEW JERSEY 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>
Clark Avenue	1	South side of Clark Avenue beginning 145 feet east of the southeast intersection of Clark Avenue and Pilgrim Pathway

SECTION 2

Volume I, Chapter VII, Section 7-21.1 - Handicapped Parking Spaces on Public Roads - Locations Designated, is hereby amended by *deleting* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Ocean Pathway	1	South side of Ocean Pathway beginning 45 feet west of the southwest intersection of Ocean Pathway and Beach Avenue
New Jersey Avenue	1	East side of New Jersey Avenue beginning 25 feet north of the northeast intersection of New Jersey Avenue and Webb Avenue

SECTION 3

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

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

ORDINANCE NO. 15-12

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK FOR PURPOSES OF INTRODUCING THE 2015 MUNICIPAL BUDGET

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Neptune in the County of Monmouth finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 619,651.42 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years,

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Neptune, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Township of Neptune shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$1,084,389.99, and that the CY 2015 municipal budget for the Township of Neptune be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Vote on Adoption:

Bishop:

Brantley:

Houghtaling:

McMillan:

Jahn:

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrel,  
Municipal Clerk

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Mary Beth Jahn,  
Mayor

RESOLUTION #15-119 – 3/9/15

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:

Personnel – Housing Authority appointment  
Real Estate negotiations – Township owned lot on West Lake Avenue  
Pending Litigation – Residential drainage issue

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 #15-120 - 3/9/15

APPOINT ALTERNATE PROSECUTOR

WHEREAS, the Township of Neptune desires to appoint an Alternate Prosecutor through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, the Township accepted Requests for Proposals for said position on February 19, 2014 and will make a selection from the proposals received; and,

WHEREAS, funds will be provided for the first three months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided in the Budget for the year 2015, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby appoints Brian T. Wilton to serve as Alternate Prosecutor in the absence of the Prosecutor for the year 2015, at an hourly compensation rate as established by Resolution of the Township Committee; and,

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

RESOLUTION #15-121 - 3/9/15

APPOINT ALTERNATE PUBLIC DEFENDER

WHEREAS, the Township of Neptune desires to appoint an Alternate Public Defender through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, the Township accepted Requests for Proposals for said position on February 19, 2014 and will make a selection from the proposals received; and,

WHEREAS, funds will be provided for the first three months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided in the Budget for the year 2015, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby appoints Lawrence W. Luttrell to serve as Alternate Public Defender in the absence of the Public Defender for the year 2015, at an hourly compensation rate as established by Resolution of the Township Committee; and,

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

RESOLUTION #15-122 - 3/9/15

ACCEPT THE RESIGNATION OF TIMOTHY GRISWOLD AS A  
SPECIAL LAW ENFORCEMENT OFFICER – CLASS II

WHEREAS, the Township Committee has received a letter from Timothy Griswold resigning as a Special Law Enforcement Officer – Class II effective February 24, 2015,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Timothy Griswold as a Special Law Enforcement Officer – Class II is hereby accepted effective February 24, 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.

RESOLUTION #15-123 - 3/9/15

GRANT LEAVE OF ABSENCE TO JOHN JACKSON  
UNDER THE FAMILY MEDICAL LEAVE ACT

WHEREAS, John Jackson, Patrolman in the Police Department, has requested a leave of absence under the provisions of the Family Medical Leave Act during which time he will utilize accumulated sick time; and,

WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that John Jackson, Patrolman in the Police Department, is hereby granted a leave of absence, with the use of accumulated sick time, under the provisions of the Family Medical Leave Act from March 12, 2015 through May 7, 2015; and,

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

RESOLUTION #15-124 - 3/9/15

ACCEPT THE RESIGNATION OF SHANE TOOHEY AS A MEMBER  
OF THE ENVIRONMENTAL/SHADE TREE COMMISSION

WHEREAS, the Township Committee has received correspondence from Shane Toohey resigning as a member of the Environmental/Shade Tree Commission effective February 20, 2015,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Shane Toohey as a member of the Environmental/Shade Tree Commission is hereby accepted effective February 20, 2015; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Secretary to the Environmental/Shade Tree Commission.

RESOLUTION #15-125 - 3/9/15

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PREPARE MASTER PLAN AND LAND USE UPDATES THROUGH POST SANDY PLANNING ASSISTANCE GRANTS

WHEREAS, CME Associates prepared and submitted applications on behalf of the Township of Neptune for Second Round Post Sandy Planning Assistance grants; and,

WHEREAS, the Township has been awarded grants for the preparation of a Capital Improvement Plan, preparation of a Community Facilities Element, and updating the Land Development Ordinance; and,

WHEREAS, it is necessary for a licensed AICP Engineer from the Township's approved list of Engineering Consultants to prepare plans and specifications in connection with this project; and,

WHEREAS, the Township Engineer has obtained proposals from CME Associates and recommends that they perform said work; and,

WHEREAS, funds for this purpose will be provided in the 2015 temporary budget via Second Round Post Sandy Planning Assistance Grants, 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 CME Associates to perform the following planning services at amounts not to exceed the following:

Preparation of a Capital Improvement Plan - \$30,000.00  
Preparation of a Community Facilities Element - \$35,000.00  
Preparation of an updated Land Development Ordinance - \$50,000.00

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 #15-126 - 3/9/15

ACCEPT PERFORMANCE GUARANTEE AND AUTHORIZE EXECUTION OF A  
DEVELOPER'S AGREEMENT FILED BY PETRO REALTY, LLC FOR  
SITE IMPROVEMENTS AT THE MOBIL STATION AT 3330 ROUTE 66

WHEREAS, Petro Realty, LLC has filed performance bond B1152861, written by Selective Insurance Company of America in the amount of \$25,920.00, guaranteeing site improvements at the Mobil station at 3330 Route 66 (Block 9025, Lot 54.01); and,

WHEREAS, the required 10% cash surety and inspection fee escrow have been posted; and,

WHEREAS, the Developer has also submitted the required fee for the preparation of a Developer's Agreement by the Township Attorney which has been prepared and executed by the Developer; and,

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

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

1. The Performance Guarantee as stated above be and is hereby accepted.
2. The Mayor and Clerk be and are hereby authorized to execute the Developer's Agreement for the above referenced project.
3. A copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, and the Developer.

RESOLUTION #15-127 - 3/9/15

ACCEPT A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND  
PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT  
AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
(FORMER CHIDNESE PROPERTY – 1825 WEST LAKE AVENUE)

WHEREAS, the Township of Neptune has applied for and has been awarded a grant in the amount of \$87,333.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the Remedial Investigation along with report preparation of the former Chidnese property at 1825 West Lake Avenue,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Township of Neptune; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority, the Chief Financial Officer, Business Administrator and Administrative Assistant to the C.F.O.

Date Adopted by Committee: March 9, 2015

(seal)

Attest:

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

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



RESOLUTION #15-128 - 3/9/15

ACCEPT THE RESIGNATION OF SAMANTHA MARCUS AS A  
SPECIAL LAW ENFORCEMENT OFFICER – CLASS I

WHEREAS, the Township Committee has received a letter from Samantha Marcus resigning as a Special Law Enforcement Officer – Class I in the Police Department effective March 3, 2015,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Samantha Marcus as a Special Law Enforcement Officer – Class I in the Police Department is hereby accepted effective March 3, 2015; and,

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

RESOLUTION #15-129 - 3/9/15

AUTHORIZE PURCHASE OF MUNICIPAL SOFTWARE APPLICATIONS

WHEREAS, the Purchasing Agent solicited quotes for the purchase of municipal software applications for data collection and processing in the Construction, Code and Land Use departments; 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 have recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds will be provided for the first three months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided in the Budget for the year 2015, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of municipal software applications for data collection and processing in the Construction, Code and Land Use departments be and is hereby authorized through Jungle Lasers, LLC pursuant to their quote of \$18,700.00; 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., Construction Official and Land Use Boards Administrator.

RESOLUTION #15-130 - 3/9/15

RECAST TWO UDAG IMPROVEMENT LOANS ISSUED TO SUNILAND FURNITURE

WHEREAS, the UDAG Loan Committee approved two UDAG improvement loans to Suniland Furniture for the property at Highway 35 and Rutherford Avenue; and,

WHEREAS, Loan #1 was issued on February 1, 2008 in the original amount of \$52,035.89 and Loan #2 was issued on February 1, 2008 in the original amount of \$37,262.24; and,

WHEREAS, the Loan Committee recommends that the combined remaining balance due on the two loans be recast into a single loan to be financed over a five year period at the same interest rate of the original two loans,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the two UDAG Reciprocal Loans issued to Suniland Furniture and described herein be and are hereby authorized to be recast into a single loan in the amount of \$37,000.00 for a five year term at an interest rate of 2.38%; and,

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

RESOLUTION #15-131 - 3/29/15

APPLY FOR A DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT FOR  
THE DEVELOPMENT OF A MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, the Township of Neptune desires to further the public interest by obtaining a grant for from the State of New Jersey in the amount of approximately \$15,000.00 to the fund the following project: Municipal Public Access Plan Development; and,

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

- a) make application for such a loan and/or such a grant;
- b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$15,000.00 and not more than \$15,000.00;
- c) to execute any amendments thereto which do not increase the Grantee's obligations; and,

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Neptune authorizes and agrees to match \$0 of the Total Project Amount, in compliance with the match requirements of the agreement; and,

BE IT FURTHER RESOLVED, that the Grantee agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance pursuant to the agreement

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 9<sup>th</sup> day of March, 2015.

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

Seal

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

RESOLUTION #15-132 – 3/9/15

AUTHORIZE THE REFUND OF SEWER RENT (102 PROSPECT AVENUE)

WHEREAS, the properties listed below reflect overpayments; and,

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

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

<b>BLOCK/LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
427/23	D'Olois & Ventola	102 Prospect Ave	2014	220.00

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

RESOLUTION #15-133 - 3/9/15

AUTHORIZE THE CANCELLATION OF SEWER RENT

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

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

<b>BLOCK/LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
1002/1	Archan, Inc.	2000 Route 66	2015	8,757.00

**REASON:** Billing adjusted based on water bills provided

<b>BLOCK/LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
408/59	Theresa McCall	527 S. Riverside Dr.	2015	460.00

**REASON:** Billed for six units, should be five

<b>BLOCK/LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
3101/1C203	Omni Suites, LLC	1900 Corlies Ave	2015	460.00

**REASON:** Unit combined with C202

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

RESOLUTION #15-134 - 3/9/15

RECLASSIFY EMPLOYEE TO THE POSITION OF HEAVY EQUIPMENT OPERATOR

WHEREAS, due to a promotion, there is a vacancy in the position of Heavy Equipment Operator in the Public Works Department; and,

WHEREAS, the position was duly posted; and,

WHEREAS, the Director of Public Works and the Business Administrator have made a recommendation to reclassify an existing employee to said position; and,

WHEREAS, funds will be provided for the first three months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided in the Budget for the year 2015, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Ernest Worth be and is hereby reclassified to the position of Heavy Equipment Operator in the Department of Public Works at an annual salary of \$61,442.06 effective March 10, 2015; and,

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

RESOLUTION #15-135 – 3/9/15

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	\$1,199,795.46
FEDERAL & STATE GRANT FUND	40,759.16
TRUST OTHER	53,361.41
GENERAL CAPITAL FUND	23,311.11
SEWER OPERATING FUND	40,360.88
SEWER CAPITAL FUND	0.00
MARINA OPERATING FUND	12,460.64
MARINA CAPITAL FUND	0.00
DOG TRUST	0.00
LIBRARY TRUST	90.69
BILL LIST TOTAL	\$1,370,139.35

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