

TOWNSHIP COMMITTEE WORKSHOP MEETING – JANUARY 25, 2016 – 6:00 P.M.

Mayor McMillan 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	_____
Nicholas Williams	_____
Kevin B. McMillan	_____

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

Mayor McMillan 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 7, 2016, 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 – Loffredo Fields project. (PW)
2. Discussion – Extension of lease and expansion of Liberty Park Community Garden. (PW)
3. Discussion – Gables Sanitary Sewer Project – Phase III. (PW)
4. Review Committee calendars/update on outstanding issues and capital items.
- Various on-going capital improvement projects.

Res. # 16-82 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Williams, _____; McMillan, _____.

TOWNSHIP COMMITTEE MEETING – JANUARY 25, 2016 – 7:00 P.M.

Mayor McMillan 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	_____
Nicholas Williams	_____
Kevin B. McMillan	_____

Also present at the dais: Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; Gene J. Anthony, Township Attorney; and Richard J. Cuttrel, 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 McMillan 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 7, 2016 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.

APPOINT MEMBER TO THE NEPTUNE TOWNSHIP COMMITTEE

In accordance with State Statute, the four members of the Neptune Township Committee will appoint an individual to the vacant seat on the Township Committee from the list of three nominees submitted by the Neptune Township Democratic Municipal Committee.

Res. #16-83 – Appoint member to the Neptune Township Committee.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Williams, _____; McMillan, _____.

Oath of Office administered by Mayor McMillan

The Municipal Clerk certifies that _____ is qualified to serve as a member of the Township Committee of the Township of Neptune for the year 2016.

RECOGNITION OF RETIRING TOWNSHIP EMPLOYEE

The Mayor and Committee will recognize Captain Andrew Leather who retired from the Police Department on December 1, 2015 after 27 years of service.

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. 16-01 – An ordinance to amend Volume I, Chapter VII, Section 7-11 of the Code of the Township of Neptune by establishing stop intersections at Mayfair Lane and Stamford Drive and Chadwell Court and Stamford Drive - Final Reading

Explanatory Statement: This ordinance will establish stop signs on Mayfair Lane at Stamford Drive and on Chadwell Court at Stamford Drive.

Public Hearing:

Offered by:_____ Seconded by:_____
Vote: Bishop, _____; Brantley, _____; Williams, _____; (New member), _____; McMillan, _____.

ORDINANCE NO. 16-02 – An ordinance authorizing the execution of a service agreement between the Township of Neptune, the Borough of Tinton Falls, Deloris Gebele, and the Township of Neptune Sewerage Authority to provide sanitary sewerage service to a residential dwelling at 1967 Jumping Brook Road, in the Borough of Tinton Falls. - First Reading

Explanatory Statement: This ordinance authorizes the execution of agreement which outlines the terms and payments required to allow a single residential home located in the Borough of Tinton Falls to utilize the Township’s sanitary sewer system.

Offered by:_____ Seconded by:_____
Vote: Bishop, _____; Brantley, _____; Williams, _____; (New member), _____; McMillan, _____.

ORDINANCE NO. 16-03 – An ordinance to amend Volume I, Chapter II of the Code of the Township of Neptune by rescinding Section 2-67 and the Responsible Contractor Ordinance and requirements. - First Reading

Explanatory Statement: This ordinance repeals the Township’s Responsible Contractor ordinance and requirements as a result of the NJ Department of Community Affairs not granting approval of the ordinance.

Offered by:_____ Seconded by:_____
Vote: Bishop, _____; Brantley, _____; Williams, _____; (New member), _____; McMillan, _____.

ORDINANCE NO. 16-04 – An ordinance to amend Volume I, Chapter II, of the Code of the Township of Neptune by repealing Section 2-47 entitled “Neptune Harbor Commission” - First Reading

Explanatory Statement: This ordinance finds that the Harbor Commission is no longer needed at this time and repeals the ordinance that creates and defines the responsibilities of the Commission.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Williams, _____; (New member), _____; McMillan, _____.

The Public Hearings on Ordinances 16-02, 16-03 and 16-04 will be held on Monday, February 8, 2016.

CONSENT AGENDA

Res. # 16-84 – Appoint Bond Counsel.

Res. # 16-85 – Authorize the sale of Veterans Poppies.

Res. # 16-86 – Authorize execution of contracts with various organizations to provide recreation programs and services.

Res. # 16-87 – Reclassify Daniel Virtgaym as a permanent full-time Driver in the Department of Public Works.

Res. # 16-88 – Reclassify Alf Berg, III as a permanent full-time Driver in the Department of Public Works.

Res. # 16-89 – Reclassify employee to the position of Acting Senior Center Director.

Res. # 16-90 – Authorize the Ocean Grove Camp Meeting Association’s annual Independence Day Parade.

Res. # 16-91 – Authorize the Township of Neptune and the Neptune Joint Veterans Association to co-sponsor a Memorial Day parade.

Res. # 16-92 – Authorize the Monmouth County Mosquito Control Division to conduct aerial mosquito control operations with the Township of Neptune as necessary.

Res. # 16-93 – Authorize the execution of an Interlocal Service Agreement with the City of Asbury Park for vehicle maintenance.

Res. # 16-94 – Reject all bids for Municipal Building Boiler Project.

Res. # 16-95 – Accept a maintenance guarantee and release a performance bond filed by 1318 Corlies Avenue, LLC for site improvements at 1318 Corlies Avenue.

Res. # 16-96 – Authorize the refund of taxes as a result of an overpayment.

Res. # 16-97 – Authorize the purchase of two police vehicles through the State Cooperative Purchasing Program.

Res. # 16-98 – Authorize the purchase of two police sedans through the Cranford Cooperative Purchasing Program.

Res. # 16-99 – Apply for a Green Acres Program Grant for Shark River Marina Improvements.

Res. # 16-100 – Authorize the purchase of a Freightliner truck with dump body through the Houston-Galveston Area Council Purchasing Program.

Res. # 16-101 – Authorize submission of a New Jersey Libraries Career Connections Grant to the Department of Labor and Workforce Development.

CONSENT AGENDA Offered by:_____ Seconded by:_____
Vote: Bishop, _____; Brantley, _____; Williams, _____; (New member), _____; McMillan, _____.

Res. # 16-102 – Authorize Agreement for Payment in Lieu of Taxes between Neptune Township and Winding Ridge Family Ventures, LLC for the acquisition, ownership, operation, management and rehabilitation of Winding Ridge Apartments.

Offered by:_____ Seconded by:_____
Vote: Bishop, _____; Brantley, _____; Williams, _____; (New member), _____; McMillan, _____.

Res. # 16-103 – Employ Emergency Medical Services Manager.

Offered by:_____ Seconded by:_____
Vote: Bishop, _____; Brantley, _____; Williams, _____; (New member), _____; McMillan, _____.

Res. # 16-104 – Reclassify two employees to the position of full-time Violations Clerk in the Municipal Court.

Offered by:_____ Seconded by:_____
Vote: Bishop, _____; Brantley, _____; Williams, _____; (New member), _____; McMillan, _____.

Res. # 16-105 – Authorize the payment of bills.

Offered by:_____ Seconded by:_____
Vote: Bishop, _____; Brantley, _____; Williams, _____; (New member), _____; McMillan, _____.

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. 16-02

AN ORDINANCE AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE, THE BOROUGH OF TINTON FALLS, DELORIS GEBELE, AND THE TOWNSHIP OF NEPTUNE SEWERAGE AUTHORITY TO PROVIDE SANITARY SEWERAGE SERVICE TO A RESIDENTIAL DWELLING AT 1967 JUMPING BROOK ROAD, IN THE BOROUGH OF TINTON FALLS

WHEREAS, N.J.S.A. 40:8A-1 authorizes the Township of Neptune to enter into a contract with another "local unit" as defined therein; and,

WHEREAS, the Borough of Tinton Falls is a local unit within the meaning of N.J.S.A. 40:8A-1, et seq.; and,

WHEREAS, Deloris Gebele ("Gebele") own lands located in the Borough of Tinton Falls on which a single family residential dwelling is located and maintained; and,

WHEREAS, the dwelling owned by Gebele which is located within the Borough of Tinton Falls was provided with an on-site sanitary sewage disposal system that is now failing and therefore constitutes a health hazard; and,

WHEREAS, at the present time no sewer facilities exist at the facilities operated by Gebele and within the Borough of Tinton Falls, but a Township owned sewer line does exist directly in front of the property on Jumping Brook Road; and,

WHEREAS, the Township of Neptune has agreed to permit the sewage flow from Gebele to pass through its sanitary sewer system for treatment by Township of Neptune Sewerage Authority; and,

WHEREAS, the Borough of Tinton Falls and the Township of Neptune have entered into sewer service agreements with the Township of Neptune Sewerage Authority whose consent to the proposal by both municipalities is sought,

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

SECTION 1. The Mayor and Clerk be and are hereby authorized to execute and deliver a Service Agreement with the Borough of Tinton Falls, Deloris Gebele and the Township of Neptune Sewerage Authority to provide sewer service to Gebele, at 1967 Jumping Brook Road, through the facilities of the Township of Neptune and with the consent of the Township of Neptune Sewerage Authority in accordance with the terms of the agreement which is annexed hereto and which shall be on file for public inspection in the Office of the Neptune Township Municipal Clerk.

SECTION 2. This ordinance is contingent upon there being adequate funds available in accordance with the connection fees and annual service charges as described in the agreement.

SECTION 3. This ordinance is further contingent upon the execution of said agreement by

all parties. If necessary, this section may be amended from time to time by ordinance of the Township Committee of the Township of Neptune.

SECTION 4. This ordinance shall take effect upon adoption and final publication as provided by law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 16-03

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY RESCINDING SECTION 2-67 AND THE RESPONSIBLE CONTRACTOR ORDINANCE AND REQUIREMENTS

WHEREAS, the Township Committee of the Township of Neptune approved Ordinance 14-19 entitled "An Ordinance to add Volume I, Chapter II, Section 2-67 of the Code of The Township of Neptune entitled, "Responsible Contractor Requirements" on May 12, 2014; and

WHEREAS, the aforesaid Ordinance was addressed, and the Township contacted by the State of New Jersey, Department of Community Affairs, Division of Local Government Services, Timothy J. Cunningham, Director, by letter of January 11, 2016, wherein the Director disapproved of the Ordinance, subject to the Director reaching an agreement on "Responsible Contractor" language, which the Director is undertaking at the present time; and

WHEREAS, the Township Committee needs to further study possible amendments and limitations to the present Ordinance while eliminating the uncertainties of the present Ordinance with regard to the bidding process and complying with the decision of the DCA,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Neptune, that the Neptune Township Ordinance, known as the "Responsible Contractor's Ordinance" previously enacted as Ordinance 14-19 on May 12, 2014, consisting of Volume I, Chapter II, Section 2-67 of the Code of the Township of Neptune, is hereby repealed and rescinded; and,

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

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final adoption and publication in the manner prescribed by law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

Richard J. Cuttrel,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 16-04

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, OF THE
CODE OF THE TOWNSHIP OF NEPTUNE BY REPEALING
SECTION 2-47 ENTITLED "NEPTUNE HARBOR COMMISSION"

WHEREAS, the Township Committee created an Ordinance creating a Neptune Harbor Commission, which was provided with powers relating to the construction, erection, improvement, alteration, extension and maintenance of the present Municipal Marina and Harbor on the waterfront and property owned or leased by the Township of Neptune on said waterfront; the said Neptune Harbor Commission created at the time of the purchase of the Municipal Marina or soon thereafter in 2006; and

WHEREAS, since the time of adoption of the Ordinance creating said Harbor Commission, it has been determined since all actions of the Harbor Commission generally need approval of the Township Committee, and that many of the actions taken by the Harbor Commission are duplicative of actions taken by the Township Committee, that the Harbor Commission is no longer necessary at this time; though the Township Committee retains the right to restore the Harbor Commission if found necessary sometime in the future,

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the Neptune Township Code of Ordinances, Volume I, Chapter II, Section 2-47 of the Code of the Township of Neptune entitled "Neptune Harbor Commission", is hereby repealed effective immediately upon adoption of this Ordinance; and,

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

BE IT FURTHER ORDAINED, this Ordinance shall become effective immediately upon its final passage and publication as required by law, the Board shall be immediately, upon adoption of this Ordinance, be disbanded and the terms of all members terminated effective the date of adoption and publication of this Ordinance.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

RESOLUTION #16-82 – 1/25/16

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 – Employee reclassifications

Personnel – EMS Manager

Contract negotiations – Public Relations Consultant RFPs

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 #16-83 - 1/25/16

APPOINT MEMBER TO NEPTUNE TOWNSHIP COMMITTEE

WHEREAS, on January 12, 2016, Township Committeeman Eric J. Houghtaling was sworn into office as a member of the New Jersey Assembly, thereby creating a vacancy on the Neptune Township Committee; and,

WHEREAS, in accordance with N.J.S.A. 40A:16-11, the Neptune Township Democratic Municipal Committee has submitted the names of three nominees for the section of a successor to fill the vacancy; and,

WHEREAS, the remaining members of the Township Committee desire to appoint one of the nominees to serve as a member of the Township Committee in accordance with said statute,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Carol Rizzo be and is hereby appointed to serve as a member of the Neptune Township Committee for the remainder of an unexpired three year term expiring December 31, 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Monmouth County Clerk.

RESOLUTION #16-85 - 1/25/16

AUTHORIZE THE SALE OF VETERANS POPPIES

BE IT RESOLVED, that the Neptune Township American Legion Auxiliary Unit No. 346 and the O'Brien Major Post No. 2639 be and is hereby authorized to sell Veterans Poppies in the Township of Neptune for the month of May at various locations throughout the Township; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Neptune Township American Legion Auxiliary Unit No. 346, O'Brien Major Post No. 2639 and the Neptune Township Police Department.

RESOLUTION #16-86 - 1/25/16

AUTHORIZE EXECUTION OF CONTRACTS WITH VARIOUS ORGANIZATIONS TO
PROVIDE RECREATION PROGRAMS AND SERVICES

WHEREAS, the Neptune Township Recreation Department has relationships with various organizations to organize and provide various recreational activities and programs in the Township of Neptune; and,

WHEREAS, in some instances, the Township of Neptune provides either sponsorship or funding to said organizations to provide these programs; and,

WHEREAS, it is the desire of the Township to renew the annual contracts with these organizations,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute contracts with various organizations and groups that are supported by the Township's Recreation Department and that provide recreational services and programs to Township residents for the year 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Recreation Director, Chief Financial Officer, and Township Attorney.

RESOLUTION #16-87 - 1/25/16

RECLASSIFY DANIEL VIRTGAYM AS A PERMANENT FULL-TIME
DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Daniel Virtgaym was hired as a Driver in the Department of Public Works on February 20, 2015; and,

WHEREAS, he has performed his duties in a satisfactory manner and the Public Works Director has recommended that he be reclassified on a permanent full-time basis,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Daniel Virtgaym be and he is hereby reclassified as a permanent full-time Driver effective immediately; and,

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

RESOLUTION #16-88 - 1/25/16

RECLASSIFY ALF BERG, III AS A PERMANENT FULL-TIME
DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Alf Berg, III was hired as a Driver in the Department of Public Works on August 3, 2015; and,

WHEREAS, he has performed his duties in a satisfactory manner and the Public Works Director has recommended that he be reclassified on a permanent full-time basis,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Alf Berg, III be and he is hereby reclassified as a permanent full-time Driver effective immediately; and,

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

RESOLUTION #16-89 - 1/25/16

RECLASSIFY EMPLOYEE TO THE POSITION OF
ACTING SENIOR CENTER DIRECTOR

WHEREAS, there is a need to reclassify the Deputy Senior Center Director to the position of Acting Senior Center Director due to an anticipated extended absence of the Senior Center Director; and,

WHEREAS, funds will be provided for the first three months of 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided in the Budget for the year 2016, 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 Kristina Torres be and is hereby reclassified to the position of Acting Senior Center Director at an annual salary of \$65,900.00 for the period in which she serves in this acting capacity, effective January 16, 2016; and,

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

RESOLUTION #16-90 - 1/25/16

AUTHORIZE THE OCEAN GROVE CAMP MEETING ASSOCIATION'S
ANNUAL INDEPENDENCE DAY PARADE

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

1. Permission is hereby granted for Ocean Grove Camp Meeting Association to hold their annual Independence Day Parade on Saturday, July 4, 2016.

2. Temporary no parking will be designated from 7:00 A.M. to 1:00 P.M. on July 4, 2016 on the following streets:

Both sides of Whitefield Avenue from Stockton Avenue to Main Avenue
Both sides of westbound Ocean Pathway from Central Avenue to Ocean Avenue
West side of Central Avenue from westbound Ocean Pathway to McClintock Street

3. A contribution in the amount of \$1,000.00 toward expenses incurred in connection with the parade is hereby authorized.

4. Funds for this purpose are available in the appropriation entitled Celebration of Public Events and the Chief Financial Officer has so certified in writing.

5. A copy of this resolution shall be forwarded to the Parade Committee, Ocean Grove Camp Meeting Association, Director of Public Works and the Chief of Police.

RESOLUTION #16-91 - 1/25/16

AUTHORIZE THE TOWNSHIP OF NEPTUNE AND THE NEPTUNE JOINT
VETERANS ASSOCIATION TO CO-SPONSOR A MEMORIAL DAY PARADE

WHEREAS, the Township Committee desires to continue the tradition of co-sponsoring a Memorial Day parade to honor those who gave the ultimate sacrifice in defense of our Nation; and,

WHEREAS, funds for this purpose are available in the appropriation entitled Celebration of Public Events and the Chief Financial Officer has so certified in writing.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that permission is hereby granted to conduct the annual Memorial Day Parade, co-sponsored by the Township of Neptune and the Neptune Joint Veterans Association, to be held on Monday, May 30, 2016 and an appropriation of not to exceed \$1,500.00 is authorized for costs associated with the parade; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Parade Committee, Director of Public Works and the Chief of Police.

RESOLUTION #16-92 - 1/25/16

AUTHORIZE THE MONMOUTH COUNTY MOSQUITO CONTROL DIVISION TO
CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN
THE TOWNSHIP OF NEPTUNE AS NECESSARY

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and,

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and,

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area", the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51) to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and,

WHEREAS, the Township of Neptune is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

1. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and,
2. such operations will be performed in compliance with applicable Federal and State regulations; and,
3. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Monmouth County Mosquito Control Division.

RESOLUTION #16-93 - 1/25/16

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT
WITH THE CITY OF ASBURY PARK FOR VEHICLE MAINTENANCE

WHEREAS, the Township of Neptune has a contract with Centerra Integrated Services to provide vehicle maintenance to Township vehicles; and,

WHEREAS, the Township of Neptune desires to enter into an Interlocal Service Agreement pursuant to N.J.S.A. 40:8A-1 et seq. with the City of Asbury Park to receive vehicle maintenance services through Centerra Integrated Services at the Township's Public Works Yard; and,

WHEREAS, the City of Asbury Park will agree to pay the Township's contracted hourly rate for service plus \$10.00 per hour for administrative costs,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Services Agreement with the City of Asbury Park, for a period of one year with an option to automatically renew in each of the next five years, effective January 1, 2016, which provides that the City of Asbury Park will pay the Township for vehicle maintenance services provided by Centerra Integrated Services; and,

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

RESOLUTION #16-94 - 1/25/16

REJECT ALL BIDS FOR MUNICIPAL BUILDING BOILER PROJECT

WHEREAS, on December 29, 2015, the Township Engineer received bids for the award of a contract for the replacement of boilers at the Municipal Building; and,

WHEREAS, the bid specifications contained requirements in connection with the Township's responsible contractor ordinance; and,

WHEREAS, the New Jersey Department of Community Affairs notified the Township after the receipt of bids that they are not approving the Township's responsible contractor ordinance; and,

WHEREAS, the Township Committee is in the process of repealing said ordinance and desires that the bids for the boiler project be rebid without the responsible contractor specifications,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the all bids received for the Municipal Building Boiler Project be and are hereby rejected due to the rejection of the Township's responsible contractor ordinance, and the specifications contained therein, by the New Jersey Department of Community Affairs; and,

BE IT FURTHER RESOLVED, that the Township Engineer is hereby authorized to prepare specifications without the Township's responsible contractor requirement and re-advertise for the receipt of bids for this project; and,

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

RESOLUTION #16-95 - 1/25/16

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND
FILED BY 1318 CORLIES AVENUE, LLC FOR SITE IMPROVEMENTS
AT 1318 CORLIES AVENUE

WHEREAS, on November 24, 2014, 1318 Corlies Avenue LLC filed Irrevocable Letter of Credit IS0258811U, written by Wells Fargo Bank in the amount of \$97,200.00, guaranteeing site improvements at 1318 Corlies Avenue; and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of December 14, 2015 and said performance guarantee can be released; and,

WHEREAS, 1318 Corlies Avenue, LLC has filed an amendment to the posted Letter of Credit reducing the amount to \$16,200.00 to serve as a maintenance guarantee of said site improvements for a period of two years; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Maintenance Guarantee as stated above be and is hereby accepted; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee and inspection fee escrow deposited with the Township be and is hereby authorized to be refunded (with \$500.00 being retained for final inspection at the end of the maintenance period); and,

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

RESOLUTION #16-96 - 1/25/16

AUTHORIZE THE REFUND OF TAXES
AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

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

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

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
5002	10	Penalosa	230 Overlook Dr	2015	1,592.26
1106	13	Dwek	1405 10 th Ave	2015	757.85
4714	10	Brown	301 Durand Rd	2015	1,512.30

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

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-97 - 1/25/16

AUTHORIZE THE PURCHASE OF TWO POLICE VEHICLES
THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Township desires to authorize the purchase of two Police Interceptor SUVs (K8A) through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, Winner Ford has been awarded New Jersey State Contract No. 88728 for this equipment; and,

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

WHEREAS, the cost of the equipment shall not exceed \$25,848.00 each for a total of \$51,696.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 15-34 and the 2016 municipal budget 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 two Police Interceptor SUVs (K8A) through New Jersey Cooperative Purchasing Program Contract No. 88728 be and is hereby authorized at an amount not to exceed \$51,696.00; and,

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

RESOLUTION #16-98 - 1/25/16

AUTHORIZE THE PURCHASE OF TWO POLICE SEDANS THROUGH THE
CRANFORD COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Township wishes to authorize the purchase of two 2016 Chevrolet Caprice PPV for the Police Department through an authorized vendor under the Cranford Township Cooperative, #47-CPCPS State of New Jersey approved cooperative; and,

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

WHEREAS, Mall Chevrolet has been awarded Cranford Township Cooperative #47-CPCPS, for this vehicle; and,

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

WHEREAS, the cost of these vehicles shall not exceed \$26,557.00 each for a total of \$53,114.00; and,

WHEREAS, funds for this purpose are available through Ordinance No. 15-34 and the 2016 Municipal Budget, 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 two 2016 Chevrolet Caprice PPV for the Police Department through the Cranford Cooperative, #47-CPCPS, State of New Jersey approved cooperative, be and is hereby authorized at an amount not to exceed \$53,114.00; and,

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

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/25/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-99 - 1/25/16

APPLY FOR A GREEN ACRES PROGRAM GRANT FOR
SHARK RIVER MARINA IMPROVEMENTS

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to non-profit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and,

WHEREAS, the Township of Neptune has previously obtained a loan of \$0 and/or a grant of \$600,000 from the State to fund the following project: #1335-10-027 Shark River Marina Improvements; and,

WHEREAS, the State and Township of Neptune intends to increase Green Acres funding by \$400,000; and,

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above named project,

NOW, THEREFORE, the Township Committee of the Township of Neptune resolves that:

1. The Chief Financial Officer of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Shark River Marina Improvements; and,
2. The applicant has its matching share of the project, if a match is required, in the amount of \$660,000.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and,
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

I, Richard J. Cuttrell, Municipal Clerk of the Township of Neptune do hereby certify that the foregoing is a true copy of a resolution adopted by the Township Committee of the Township of Neptune at a meeting held on the 25th day of January, 2016.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 25th day of January, 2016.

Seal

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #16-100 - 1/25/16

AUTHORIZE THE PURCHASE OF A FREIGHTLINER TRUCK WITH DUMP BODY
THROUGH THE HOUSTON-GALVESTON AREA COUNCIL PURCHASING PROGRAM

WHEREAS, the Township desires to authorize the purchase of a 2017 Freightliner 108SD 70 Truck with dump body through the Houston-Galveston Area Council Purchasing Program; and,

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

WHEREAS, the Township of Neptune, is authorized pursuant to N.J.S.A. 52:34-6.2(b)(3) to use procurement methods by entering into a nationally recognized cooperative agreement; and;

WHEREAS, the Houston-Galveston Area Council has a nationally recognized cooperative agreement and has awarded Contract No. HT06-14 to Houston Freightliner for this equipment; and,

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

WHEREAS, the cost to purchase this equipment shall not exceed \$176,215.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 15-33 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township of Neptune Committee of the Township of Neptune that the purchase of a 2017 Freightliner 108SD 70 Truck with dump body for the Public Works Department be and is hereby authorized through the Houston-Galveston Area Council Purchasing Program at an amount not to exceed \$176,215.00; and,

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

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/25/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-101 - 1/25/16

AUTHORIZE SUBMISSION OF A NEW JERSEY LIBRARIES CAREER CONNECTIONS
GRANT TO THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

WHEREAS, the Neptune Public Library is desirous to obtain funding under the New Jersey Libraries Career Connections Grant for Uniform Career Guidance and Job Search Assistance Services for the year cycle 2016-2017, in the amount of \$50,000, from the Department of Labor and Workforce Development to provide services to job seekers through the Neptune Public Library; and,

WHEREAS, the Library Director will complete the necessary documentation for submission; and,

WHEREAS, the Neptune Public Library Board of Trustees had adopted Resolution #R3-16, dated January 19, 2016, to authorize submission of the grant application,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the submission of a New Jersey Libraries Career Connections Grant Application to the New Jersey Department of Labor and Workforce Development, in the amount of \$50,000 with no local match, for funding to provide services to job seekers through the Neptune Public Library; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Grant Coordinator, Community Programs Coordinator and Library Director.

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/25/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-102 - 1/25/16

AUTHORIZE AGREEMENT FOR PAYMENT IN LIEU OF TAXES BETWEEN
NEPTUNE TOWNSHIP AND WINDING RIDGE FAMILY VENTURES, LLC
FOR THE ACQUISITION, OWNERSHIP, OPERATION, MANAGEMENT
AND REHABILITATION OF WINDING RIDGE APARTMENTS

WHEREAS, Winding Ridge Family Ventures, LLC, a partnership between the Affordable Housing Alliance of Neptune Township and The Alpert Group (“Sponsor”), proposes purchasing, owning, operating and rehabilitating 99 units of Affordable Housing for families with low and moderate incomes, known as Winding Ridge Apartments, located on a site described as Block 3052, Lot 10, CO1 – C99 shown on the Tax Map of the Township of Neptune, commonly known as being located on Winding Ridge Drive; and

WHEREAS, the Sponsor is financing the purchase and intended rehabilitation of the apartment complex pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.); the Rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq. and all applicable guidelines promulgated thereunder (hereinafter collectively referred to as the “HMFA Requirements”) at an estimated cost of \$24,000,000.00 dollars (\$24 million) through tax exempt bonds issued by the New Jersey Housing and Mortgage Finance Agency (“Agency”)(\$4.4 million), Federal Sandy Funds (\$16 million), as well as through other equity investments (\$7.3 million), which require in such cases that the Agreement be entered into with the municipality for Payment in Lieu of Taxes pursuant to the aforesaid Statute; and

WHEREAS, it is considered in the best interest of the municipality to maintain Winding Ridge Apartments (“Project”) as affordable, as it has been for many years, and to encourage this affordability by having such a purchase pursuant to a PILOT Agreement, which would also provide rehabilitation of the complex for the benefit of all tenants; and

WHEREAS, pursuant to HMFA Requirements, the Mayor and Township Committee of the Township of Neptune hereby determines that there is a need for this rental housing project in the Township of Neptune; and

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

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that pursuant to N.J.S.A. 55:14K-1 et seq., which requires an Agreement be entered into with the municipality for Payment in Lieu of Taxes pursuant to the aforesaid statute, that the governing body authorizes the Township to enter into an Agreement for Payment in Lieu of Taxes with the Purchaser/Sponsor of the property located at Winding Ridge Drive, also known as Block 3052, lot 10, pursuant to the terms set forth more fully in the Agreement for Payment in Lieu of Taxes (PILOT Agreement) attached hereto and made a part hereof as Exhibit “B.”

BE IT FURTHER RESOLVED, that:

1. The Township Committee of the Township of Neptune finds and determines that the proposed rental project will meet or meets as existing housing need; and
2. The Township Committee of the Township of Neptune does hereby adopt the within Resolution and makes the determination and finding herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall rehabilitate, own and operate the Project; and
3. The Township Committee of the Township of Neptune does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that Payment in Lieu of Taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payment in Lieu of Taxes attached hereto as Exhibit "B;" and
4. The Township Committee of the Township of Neptune hereby authorizes and directs the Mayor of the Township of Neptune to execute on behalf of the municipality, the Agreement for Payment in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B;" and
5. The Township Committee of the Township of Neptune understands and agrees that the revenue projections set forth in Exhibit "A" are estimates, and that the actual Payment in Lieu of Taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payment in Lieu of Taxes executed between the Sponsor and the municipality.

BE IT FURTHER RESOLVED, that the Township Committee authorizes the Agreement not to exceed 50 years with Neptune Township, with the understanding that the Township will still receive payments as set forth in the aforesaid PILOT Agreement, and with the understanding that the Sponsor shall purchase and rehabilitate Winding Ridge Apartments for purposes of maintaining the apartments as affordable housing.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Tax Assessor and Tax Collector.

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/25/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

EXHIBIT "A"

FINANCIAL ESTIMATE
RELATING TO ANNUAL SERVICE CHARGES
OF
WINDING RIDGE FAMILY VENTURES, LLC

With regard to a housing development to be constructed, known as Ocean Affordable Housing Development, to be located in the Township of Neptune, (Monmouth County), New Jersey.

Estimated Project Revenues	\$1,049,922
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Estimated Municipal Service Charge of 10% of Project Revenues	\$ 104,992
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Total Number of Residential Units: 98

EXHIBIT "B"

AGREEMENT FOR PAYMENT IN LIEU OF TAXES

THIS AGREEMENT, made this _____ day of _____, 2016, between Winding Ridge Family Ventures, LLC, a limited liability company of the State of New Jersey, having its principal office at One Parker Plaza, Fort Lee, New Jersey 07024 (hereinafter the "Sponsor") and the Township of Neptune, a municipal corporation in the County of Monmouth and State of New Jersey (hereinafter the "Municipality").

WITNESSTH:

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

1. This Agreement is made pursuant to the authority contained in Section 37 of the New Jersey Housing and Mortgage Finance Agency Law of 1983 (N.J.S.A. 55:14K-1 et. seq.) (hereinafter "HMFA Law") and a Resolution of the Council of the Municipality dated _____, 2016 (the "Resolution") and with the approval of the New Jersey Housing and Mortgage Finance Agency (hereinafter the "Agency"), as required by N.J.S.A. 55:14K-37.

2. The Project is or will be situated on that parcel of land designated as Block 3052, Lot 10, C01 through C99, as shown on the Official Assessment Map of the Township of Neptune.

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

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

- (1) From the date of the execution of the Agency Mortgage until the date of Substantial Completion of the Project, the Sponsor shall make payment to the Municipality in an amount equal to the amount of taxes due on the property for the year preceding the recording of the Agency Mortgage. As used herein, "Substantial Completion" means the date upon which the Municipality issues the Certificate of Occupancy for all units in the Project.
- (2) From the date of Substantial Completion of the Project and for the remaining term of the NJHMFA Mortgage, the Sponsor shall make payment to the Municipality in an amount equal to the greater of \$100,000 or 10 percent of the Project Revenues.

(b) For projects receiving permanent financing only from the Agency, the Sponsor shall make payment to the Municipality in an amount equal to the greater of \$100,000 or 10 percent of the Project Revenues from the date of the Agency Mortgage and for the remaining term of the Agency Mortgage.

(c) As used herein, "Project Revenues" means the total annual gross rental or carrying charge or other income of the Sponsor from the Project less vacancies if any.

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

5 (a) Payments by the Sponsor shall be made on a quarterly basis in the same manner and on the same dates as real estate taxes are paid to the Municipality and shall be based upon Project Revenues of the previous quarter. No later than three (3) months following the end of the first fiscal year of the operation after (i) the date of Substantial Completion (for projects receiving construction and permanent financing) or (ii) the date of the Agency Mortgage for projects receiving permanent financing only) and each year thereafter that this Agreement remains in effect, the Sponsor shall submit to the Municipality a certified, audited financial statement of the operation of the Project (the "Audit"), setting forth the Project Revenues and the total payments in lieu of taxes due to the Municipality calculated at 10 percent of Projected Revenues as set forth in the Audit (the "Audit Amount"). The Sponsor simultaneously shall pay the difference, if any, between (i) the Audit Amount and (ii) payments made by the Sponsor to the Municipality for the preceding fiscal year. The Municipality may accept any such payment without prejudice to its rights to challenge the amount due. In the event that the payments made by the Sponsor for any fiscal year shall exceed the Audit Amount for such fiscal year, the Municipality shall credit the amount of such excess to the account of the Sponsor.

(b) All payments pursuant to this Agreement shall be in lieu of taxes and the Municipality shall have all rights and remedies of tax enforcement granted to Municipalities by law just as if said payments constituted regular tax obligations on real property within the Municipality. If, however, the Municipality disputes the total amount of the annual payment in lieu of taxes due it, based upon the Audit, it may apply to the Superior Court, Chancery Division for an accounting of the service charge due the Municipality, in accordance with this Agreement and HMFA Law. Any such action must be commenced within one year of the receipt of the Audit by Municipality.

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

6. The tax exemption provided herein shall apply only so long as the Sponsor or its successor and assigns and the Project remain subject to the provisions of the HMFA Law and

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

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

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

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

- (a) When sent by the Municipality to the Sponsor, it shall be addressed to Joseph Alpert, One Parker Plaza, Fort Lee, New Jersey, 07024 or to such other address as the Sponsor may hereafter designate in writing and a copy of said notice or communication by the Municipality to the Sponsor shall be sent by the Municipality to the New Jersey Housing and Mortgage Finance Agency, 637 South Clinton Avenue, P.O. Box 18550, Trenton, New Jersey 08650-2085.
- (b) When sent by the Sponsor to the Municipality, it shall be addressed to the Office of the Township Manager or to such other address as the Municipality may designate in writing; and a copy of said notice or communication by the Sponsor to the Municipality shall be sent by the Sponsor to the New Jersey Housing and Mortgage Finance Agency, 637 Clinton Avenue, P.O. Box 18550, Trenton, New Jersey 08650-2085.

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

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

ATTEST

WINDING RIDGE FAMILY VENTURES, LLC

By: _____

Joseph Alpert
Managing Member

ATTEST

TOWNSHIP OF NEPTUNE

By: _____

RESOLUTION #16-103 - 1/25/16

EMPLOY EMERGENCY MEDICAL SERVICES MANAGER

WHEREAS, by adoption of Ordinance No. 15-29, the Township Committee created the position of Emergency Medical Services Manager; and,

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

WHEREAS, funds will be provided for the first three months of 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided in the Budget for the year 2016, 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 an offer of employment be and is hereby extended to William Rosen for the position of Emergency Medical Services Manager, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required pre-employment testing, effective February 1, 2016, at an annual salary of \$69,500.00; and,

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

RESOLUTION #16-104 - 1/25/16

RECLASSIFY TWO EMPLOYEES TO THE POSITION OF
FULL-TIME VIOLATIONS CLERK IN THE MUNICIPAL COURT

WHEREAS, due to the resignation of Suzanne Morales, there is a vacancy in the position of full-time Violations Clerk in the Municipal Court; and,

WHEREAS, the Municipal Court Administrator also recommends that two existing part-time Violations Clerk positions in the Table of Organization be consolidated into one full-time position; and,

WHEREAS, the resignation and recommendation to consolidate thereby creates two vacancies for full-time Violations Clerk; and,

WHEREAS, the two full-time positions were duly posted and the Court Administrator and Business Administrator have made a recommendation to reclassify two existing part-time Violations Clerks to the two full-time positions; and,

WHEREAS, funds will be provided for the first three months of 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided in the Budget for the year 2016, 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 Erin Mascarelli and Deanna Owens be and are hereby reclassified to the position of full-time Violations Clerk in the Municipal Court at an annual salary of \$25,500.00 effective January 26, 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Municipal Court Administrator, Chief Financial Officer, Assistant C.F.O., and AFSCME Local #1844.

RESOLUTION #16-105 – 1/25/16

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	\$3,689,709.31
FEDERAL & STATE GRANT FUND	11,016.40
TRUST FUND	18,127.09
GENERAL CAPITAL FUND	205,045.43
SEWER OPERATING FUND	9,230.40
SEWER CAPITAL FUND	1,707.50
MARINA OPERATING FUND	1,349.85
MARINA CAPITAL FUND	2,412.52
UDAG TRUST	250.00
LIBRARY TRUST	7,273.87
BILL LIST TOTAL	\$3,946,122.37

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