

TOWNSHIP COMMITTEE WORKSHOP MEETING – AUGUST 8, 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	_____
Carol Rizzo	_____
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. Cuttrel, 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 – Monmouth County Open Space Grant Program.
2. Discussion – Authorization of Traffic Engineer.
3. Discussion – Amendment to Register and Operator Log ordinance provisions. (PW)
4. Review Committee calendars/update on outstanding issues and capital items.
- Various on-going capital improvement projects.

Res. # 16-347 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

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

TOWNSHIP COMMITTEE MEETING – AUGUST 8, 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	_____
Carol Rizzo	_____
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. 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 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.

RECOGNITION OF RETIRING TOWNSHIP EMPLOYEE

The Mayor and Committee will recognize Sgt. Michael Allen who recently retired from the Police Department after 22 years of service to the Township of Neptune.

PROCLAMATION – NEPTUNE JUNIOR LEAGUE BASEBALL ALL-STARS

The Mayor and Committee will recognize the Neptune Junior League Baseball All-Stars. The team won the District 11 championship and was runner-up in the New Jersey Section III tournament.

REPORT OF THE CLERK

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

Notice from the NJDOT that survey and engineering work for the Route 66 widening project began on August 3th.

Senior Beacon for August.

Notice of public hearing on the Monmouth County Master Plan.

Notice of public hearing on an amendment to the Wall Township Land Development Ordinance.

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. 16-25 – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding handicapped parking zones on Broadway, Heck Avenue and Webb Avenue. - Final Reading

Explanatory Statement: This Ordinance authorizes a resident handicapped on-street parking zone in front of 86 Broadway, 86 Heck Avenue and 68 Webb Avenue.

Public Hearing:

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

ORDINANCE NO. 16-26 – An ordinance to amend Volume I, Chapter IV, Section 4-23.3, of the Code of the Township of Neptune entitled “Register and Signature Logs to be Maintained; Regulations”- First Reading

Explanatory Statement: This ordinance amends the regulation governing the inspection of Register and Operator Logs in hotels and bed & breakfast establishments to be consistent with federal law.

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

ORDINANCE NO. 16-27 – Bond ordinance providing for various 2016 capital improvements, by the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$4,930,000 therefor (including grants in the amount of \$588,512) and authorizing the issuance of \$4,124,413 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This ordinance authorizes an appropriation of \$4,930,000 (including grants in the amount of \$588,512) for various 2016 capital improvements including, but not limited to, the acquisition of heavy duty vehicles and equipment, the acquisition of computer and communications equipment, improvements to various parks and lakes within the Township and streetscape improvements in business and redevelopment areas, improvements to the Department of Public Works Complex, the Senior Center, the Municipal Complex and other municipal facilities, and the implementation of the 2016 Community Development Block Grant Program 10th Avenue Rehabilitation Project.

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

ORDINANCE NO. 16-28 – Bond ordinance providing for various sewer utility improvements and the acquisition of a sewer utility vehicle, by the Sewer Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$600,000 therefor and authorizing the issuance of \$570,000 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This ordinance authorizes an appropriation of \$600,000 for the Sanitary Sewer Infrastructure Program, including but not limited to, the reconstruction of sewer system infrastructure in various locations in the Township as specified in documents on file in the Office of the Township Engineer and the acquisition of a utility truck.

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

ORDINANCE NO. 16-29 – Bond ordinance providing for the planning for the Shark River Municipal Marina Site Remediation Project, by the Marina Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$240,000 therefor (including a grant in the amount of \$169,000) and authorizing the issuance of \$67,450 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This ordinance authorizes an appropriation of \$240,000 (including a grant in the amount of \$169,000) for engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration in connection with the Shark River Municipal Marina Site Remediation Project.

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

The Public Hearings on Ordinances 16-26 through 16-29 will be held on Monday, August 22nd.

CONSENT AGENDA

Res. # 16-348 – Release maintenance guarantee and remaining escrow funds filed by National Realty & Development Corp for site improvements at Ruby Tuesday and Arby's on Route 66.

Res. # 16-349 – Accept the resignation of Daniel Davison as a Special Law Enforcement Officer.

Res. # 16-350 – Employ Supervising Special Law Enforcement Officer in the Police Department on a part-time basis.

Res. # 16-351 – Reclassify employee to the position of Violations Clerk in the Municipal Court.

Res. # 16-352 – Authorize the filing of a Recycling Tonnage Grant application.

Res. # 16-353 – Place lien on various properties.

Res. # 16-354 – Employ part-time Bus Driver at the Senior Center.

Res. # 16-355 – Appoint School Crossing Guards for the 2016-2017 school year.

Res. # 16-356 – Extend temporary employment of Municipal Interns.

Res. # 16-357 – Designate 2017 floating holiday.

Res. # 16-358 – Accept a maintenance guarantee and release a performance bond filed by Meridian Health Realty Corp for site improvements in connection with the senior housing at Taylor and Wells Avenues.

Res. # 16-359 – Support the “Drive Sober or Get Pulled Over 2016 Statewide Crackdown”.

Res. # 16-360 – Authorize the cancellation of mortgages in connection with Façade Improvement Program loans issued to Captain Bill’s Bait & Tackle and Waterfront Sunsets, LLC at 302 South Concourse)

Res. # 16-361 – Cancel checks outstanding for over ninety days.

Res. # 16-362 – Authorize engineering services and the acquisition of street pole mounts in connection with the wireless WAN infrastructure through the State Cooperative Purchasing Program.

Res. # 16-363 – Reclassify employee to the position of Accountant in the Finance Department.

Res. # 16-364 – Authorize Developer’s Agreement with Jersey Shore University Medical Center (HOPE Tower Building Project) Davis Avenue (Block 1201, Lots 4 & 5)

CONSENT AGENDA Offered by:_____ Seconded by:_____
Vote: Bishop, ____; Brantley, ____; Rizzo, ____; Williams, ____; McMillan, ____.

Res. # 16-365 – Award bid for emergency medical billing services provided by the Township’s paid EMS providers.

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

Res. # 16-366 – Authorize emergency medical billing services contract.

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

Res. # 16-367 – Reject transfer of Schoolhouse Square from TRF DP Ridge Avenue, LLC to KMJ Enterprises, LLC.

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

Res. # 16-368 – Authorize Township Engineering Consultant to provide traffic engineering services in regards to parking in Ocean Grove.

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

Res. # 16-369 – Authorize the payment of bills.

Offered by:_____ Seconded by:_____
Vote: Bishop, ____; Brantley, ____; Rizzo, ____; Williams, ____; 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. 16-26

AN ORDINANCE TO AMEND VOLUME I, CHAPTER IV, SECTION 4-23.3, OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "REGISTER AND SIGNATURE LOGS TO BE MAINTAINED; REGULATIONS"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that Volume I, Chapter IV, Section 4-23.3 of the Code of the Township of Neptune entitled "Register and Signature Logs to be Maintained; Regulations" is hereby amended as follows:

§4-23.3(e) is hereby amended in its entirety as follows:

e. The Register and Operator Log shall be kept and preserved by the operator, and local police authorities or any duly authorized agent of the governing body of Neptune Township may seek authorization to inspect said Register and Operator Log through an appropriately issued Subpoena or Court Issued Warrant, unless the hotel operator voluntarily and legally consents to the inspection, said consent of which can legally be withheld.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 16-27

BOND ORDINANCE PROVIDING FOR VARIOUS 2016 CAPITAL IMPROVEMENTS, BY THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$4,930,000 THEREFOR (INCLUDING GRANTS IN THE AMOUNT OF \$588,512) AND AUTHORIZING THE ISSUANCE OF \$4,124,413 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$4,930,000, said sum being inclusive of a \$450,000 FEMA Public Assistance Grant received or expected to be received (the "FEMA Grant"), a \$138,512 Community Development Block Grant received or expected to be received (the "CDBG Grant" and together with the FEMA Grant, the "Grants"), said Grants being used in partial satisfaction of the aggregate down payment for said improvements or purposes, and the sum of \$217,075 as the aggregate cash down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment will be available therefor from the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$4,930,000 appropriation not provided for by application hereunder of the Grants or the cash down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$4,124,413 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$4,124,413 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include, but are not limited to, the following:

<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Acquisition of heavy duty vehicles and equipment, including but not limited to, heavy equipment and vehicles for the Department	\$700,000	\$665,000	\$35,000	5 years

<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
of Public Works, a van for the Senior Center, medium duty trucks and vehicle maintenance equipment, including any and all necessary equipment and accessories;				
(ii) Acquisition of computer and communications equipment, including but not limited to, computer workstations, mobile computer systems, digital communications equipment and similar electronic equipment, including any and all necessary equipment and accessories;	\$450,000	\$427,500	\$22,500	7 years
(iii) Improvements to various parks and lakes and streetscape improvements in business and redevelopment areas in the Township, including but not limited to, bulkhead and bridge repairs at Fletcher Lake, bulkhead repairs at Wesley Lake and other improvements to parks contiguous to these lakes and to other lakes in the Township; and streetscape improvements including lighting system upgrades, street lighting and appurtenances in the identified business and redevelopment districts within the Township;	\$500,000	\$475,000	\$25,000	20 years
(iv) Improvements to the Department of Public Works Complex, the Senior Center, the Municipal Complex and other municipal facilities, including but not limited to,	\$2,800,000 (including the \$450,000 FEMA Grant)	\$2,232,500	\$117,500	20 years

<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
the construction of new facilities at the DPW Complex including offices and garages, the replacement of the roof at the Senior Center and at the Municipal Complex, and other renovations at these and other municipal facilities, including any and all necessary equipment and accessories; and				
(v) Implementation of the 2016 Community Development Block Grant Program Tenth Avenue Rehabilitation Project, including but not limited to, roadway reconstruction, ADA accessibility improvements to bring such roadway into compliance with the Americans with Disabilities Act, drainage improvements and other similar infrastructure improvements.	\$480,000 (including the \$138,512 CDBG Grant)	\$324,413	\$17,075	15 years
TOTALS	<u>\$4,930,000</u>	<u>\$4,124,413</u>	<u>\$217,075</u>	15.84 years

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$4,124,413.

(c) The estimated cost of said improvements or purposes is \$4,930,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the \$588,512 Grants received or expected to be received and the aggregate \$217,075 cash down payment available for such improvements or purposes.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Township Engineer and available for public inspection and hereby approved.

SECTION 4. Except for the Grants, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. Except for the Grants, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid. In addition, to the extent the Township receives Grant proceeds in excess of \$588,512, the debt authorization herein shall be reduced by the amount of such excess.

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

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

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

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

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15.84 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$4,124,413 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$240,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$4,124,413. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 16-28

BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS AND THE ACQUISITION OF A SEWER UTILITY VEHICLE, BY THE SEWER UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Sewer Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$600,000, said sum being inclusive of an aggregate cash down payment for said improvements or purposes in the amount of \$30,000 required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment will be available therefor from the Sewer Utility general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$600,000 appropriation not provided for by application hereunder of the cash down payment, negotiable bonds of the Sewer Utility of the Township are hereby authorized to be issued in the principal amount of \$570,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Sewer Utility of the Township in a principal amount not exceeding \$570,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include, but are not limited to, the following:

<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Sanitary Sewer Infrastructure Program, including but not limited to, the reconstruction of sewer system infrastructure in various locations in the Township as specified in documents on file in the	\$550,000	\$522,500	\$27,500	40 years

<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Office of the Township Engineer and by this reference incorporated herein, and also including, as applicable, excavation, acquisition and installation of sanitary sewer piping, mains and all piping associated therewith, manholes, sewer laterals, site and trench restoration and the milling and resurfacing of roadways, drainage improvements and the repairing and/or installation of curbs and sidewalks along such roadways; and				
(ii) Acquisition of a utility truck, a non-passenger vehicle, for the Sewer Utility, including any and all necessary equipment and accessories.	\$50,000	\$47,500	\$2,500	5 years
TOTALS	<u>\$600,000</u>	<u>\$570,000</u>	<u>\$30,000</u>	37.08 years

(b) The estimated maximum aggregate amount of bonds or notes to be issued for said improvements or purposes is \$570,000.

(c) The estimated aggregate cost of said improvements or purposes is \$600,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the aggregate cash down payment in the amount of \$30,000 available for such improvements or purposes.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Township Engineer and available for public inspection and hereby approved.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, for the

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

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

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

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

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

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 37.08 years.

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

debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$570,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.400-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$570,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.400-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 16-29

BOND ORDINANCE PROVIDING FOR THE PLANNING FOR THE SHARK RIVER MUNICIPAL MARINA SITE REMEDIATION PROJECT, BY THE MARINA UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$240,000 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$169,000) AND AUTHORIZING THE ISSUANCE OF \$67,450 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Marina Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$240,000, said sum being inclusive of a \$169,000 grant received or expected to be received from the NJDEP Hazardous Site Discharge Remediation Fund (the "Grant"), said Grant being used in partial satisfaction of the down payment for said improvements or purposes, and the sum of \$3,550 as the aggregate cash down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment will be available therefor from the Marina Utility general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Marina Utility for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$240,000 appropriation not provided for by application hereunder of the Grant or the cash down payment, negotiable bonds of the Marina Utility of the Township are hereby authorized to be issued in the principal amount of \$67,450 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Marina Utility of the Township in a principal amount not exceeding \$67,450 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration in connection with the Shark River Municipal Marina Site Remediation Project, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Township Engineer and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$67,450.

(c) The estimated cost of said improvements or purposes is \$240,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the \$169,000 Grant received or expected to be received and the \$3,550 cash down payment available for such improvements or purposes.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid. In addition, to the extent the Township receives Grant proceeds in excess of \$169,000, the debt authorization herein shall be reduced by the amount of such excess.

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

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Marina Utility of

the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is five (5) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$67,450 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$240,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$67,450. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described

in Section 3 hereof is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

RESOLUTION #16-347 – 8/8/16

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:

Contract negotiations – AFSCME Local 1844

Potential Litigation – OGCMA ground rent

Personnel – Municipal Court matters

Contract negotiations – EMS Billing Services

Litigation – Property maintenance issue at 232 Schock Avenue

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 #16-348 - 8/8/16

RELEASE MAINTENANCE GUARANTEE AND REMAINING ESCROW FUNDS
FILED BY NATIONAL REALTY & DEVELOPMENT CORP FOR SITE
IMPROVEMENTS AT RUBY TUESDAY'S AND ARBY'S ON ROUTE 66

WHEREAS, on September 25, 2006, National Realty New Development posted a two year cash maintenance guarantee in the amount of \$47,886.63 guaranteeing site improvements at Ruby Tuesday's and Arby's on Route 66; and,

WHEREAS, the two year maintenance period has expired and the improvements have been maintained in a satisfactory manner,

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

BE IT FURTHER RESOLVED, that any remaining inspection fee escrow on deposit with the Township be and is hereby authorized to be refunded; and,

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

RESOLUTION #16-349 - 8/8/16

ACCEPT THE RESIGNATION OF DANIEL DAVISON AS A
SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, the Township Committee has received a letter from Daniel Davison resigning as a Special Law Enforcement Officer effective July 31, 2016,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Daniel Davison as a Special Law Enforcement Officer – Class II is hereby accepted effective July 31, 2016; 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 Human Resources Director.

RESOLUTION #16-350 - 8/8/16

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

WHEREAS, there is a need for a Supervising Special Law Enforcement Officer – Class II in the Police Department on a part-time hourly basis; and,

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

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

WHEREAS, funds will be provided in the 2016 Municipal Budget in the appropriation entitled Police S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael White be and is hereby employed as a part-time Supervising Special Law Enforcement Officer – Class II to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, effective immediately, at an hourly rate of \$22.44; 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 Human Resources.

RESOLUTION #16-351 - 8/8/16

RECLASSIFY EMPLOYEE TO THE POSITION OF
VIOLATIONS CLERK IN THE MUNICIPAL COURT

WHEREAS, there is a vacancy in the position of Violations Clerk in the Municipal Court; and,

WHEREAS, the position was duly posted; and,

WHEREAS, the Court Administrator and the Human Resources Director have made a recommendation to reclassify an existing Customer Service Representative in the Code/Construction Department to said position; and,

WHEREAS, funds will be provided in the 2016 Municipal Budget in the appropriation entitled Municipal Court S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Natasha Johnson be and is hereby reclassified to the position of Violations Clerk in the Municipal Court, at no change in salary, effective August 3, 2016; and,

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

RESOLUTION #16-352 - 8/8/16

AUTHORIZE THE FILING OF A RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and,

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and,

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and,

WHEREAS, a resolution authorizing this municipality to apply for the 2015 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and,

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby endorses the submission of a recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Mark Balzarano, Recycling Coordinator, to ensure that the said Application is properly filed; and,

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling; and,

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

RESOLUTION #16-353 - 7/25/16

PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Code Enforcement Supervisor may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Code Enforcement Supervisor determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Code Enforcement Supervisor has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Code Enforcement Supervisor has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
5109/3	526 Glenmere Avenue	265.60
3903/12	3501 Route 66	15,098.00
503/36	1327 Embury Avenue	375.00
504/16	45 Ridge Avenue	500.00
4005/1	22 Oakcrest Drive	206.00
713/17	505 Fisher Avenue	833.00

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

RESOLUTION #16-354 - 8/8/16

EMPLOY PART-TIME BUS DRIVER AT THE SENIOR CENTER

WHEREAS, there is a need for a part-time Bus Driver at the Senior Center; and,

WHEREAS, the position was duly posted and advertised and the Human Resources Director has made her recommendation; and,

WHEREAS, funds will be provided in the 2016 municipal budget in the appropriation entitled Senior Citizens Programs S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Fred Kern be and is hereby employed as a part-time Bus Driver at the Senior Center, pending favorable results of the required physical, effective immediately, at an hourly salary of \$15.89; and,

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

RESOLUTION #15-355 - 8/8/16

APPOINT SCHOOL CROSSING GUARDS FOR THE 2016-2017 SCHOOL YEAR

WHEREAS, there is a need for School Crossing Guards for the 2016-2017 school year; and,

WHEREAS, the Chief of Police and Human Resources Director have made their recommendation to rehire certain crossing guards that served during the 2015-2016 school year as well as hire new crossing guards who submitted an application and were interviewed; and,

WHEREAS, funds are available for this purpose are available in the 2016 municipal budget in the appropriation entitled Police S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Jeffrey Brenan, Ronald Coleman, Nancy Cole, Philip DeStaven, Carmelo Gonzalez, Alfred Holmes, Josephine Hughes, Juanita Jones, Ki Nam Kang, Kathryn Kelly, Rosalee Lane, Rita Lee, Virginia Majewski, Samuel Mallory, Carol McDonald, Everett Mitchell, Loren Moses, Amelia Okpanachi, Robert Perkins, Roseann Rode, Caroline Vandervort, Avis Williams and Alfreda Wright be and they are hereby reappointed as Crossing Guards for the 2016-2017 school year and to perform such other duties as prescribed by the Chief of Police, at an hourly rate of \$14.33; and,

BE IT FURTHER RESOLVED, that the Township is hereby extending a conditional offer of employment to Thomas Blewitt, Sr.; Pam Moreski; Diamond Wilson; and Sandra Hanley to serve as School Crossing Guards for the 2016-2017 school year contingent upon favorable results of required pre-employment screening and background check; and,

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

RESOLUTION #16-356 - 8/8/16

EXTEND TEMPORARY EMPLOYMENT OF MUNICIPAL INTERNS

WHEREAS, on May 23, 2016, the Township Committee adopted Resolution #16-244 which employed municipal interns for temporary employment from June 6, 2016 through August 12, 2016; and,

WHEREAS, the Human Resources Director recommends that the temporary employment be extended through August 26, 2016 for several of the interns; and,

WHEREAS, funds will be provided in the 2016 Municipal Budget in various salary and wage appropriation line items 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 employment of Andres Osorio-Sanders, Rebecca Mattia, and Shaquille Haskins as temporary Municipal Interns be and is hereby extended through August 26, 2016; 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 #16-357 - 8/8/16

DESIGNATE 2017 FLOATING HOLIDAY

WHEREAS, Article XII, Section J, of the current contract between AFSCME Local #1844 and the Township provides for a floating holiday that is set upon mutual agreement of AFSCME and the Township Administrator by July 1st of the previous year; and,

WHEREAS, the Township Administrator and AFSCME Local #1844 have requested that the 2017 floating holiday benefit be used on Monday, July 3, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the 2017 floating holiday benefit will be utilized by Township employees on Monday, July 3, 2017, all employees will be off-duty for that day, with the exception of Police Officers, Communications Operators, custodial staff and library staff; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to all employees.

RESOLUTION #16-358 - 8/8/16

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND
FILED BY MERIDIAN HEALTH REALTY CORP FOR SITE IMPROVEMENTS IN
CONNECTION WITH THE SENIOR HOUSING AT TAYLOR AND WELLS AVENUES

WHEREAS, on October 8, 2013, Meridian Health Realty Corp filed performance bond 105867385, written by Travelers Casualty and Surety Company of America in the amount of \$1,371,600.0, guaranteeing site improvements at the Meridian Health Senior Housing complex at Taylor and Wells Avenues (Blocks 267.02 and 266); and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of May 20, 2016 and said performance bond can be released contingent upon posting a two year maintenance bond in the amount of \$190,500.00; and,

WHEREAS, Meridian Health Realty Corporation has filed Maintenance Bond #106514482 in the amount of \$190,500.00 written by Travelers Casualty and Surety Company of America guaranteeing said site improvements for a period of two years,

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 the performance bond is authorized to be released; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee in the amount of \$151,413.64 and inspection fee escrow in the amount of \$23,683.35 deposited with the Township be and is hereby authorized to be refunded (\$1,000.00 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 #16-359 - 8/8/16

SUPPORT THE "DRIVE SOBER OR GET PULLED OVER
2016 STATEWIDE CRACKDOWN"

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and,

WHEREAS, impaired driving crashes cost the United States almost \$50 billion a year; and,

WHEREAS, 27% of motor vehicle fatalities in New Jersey in 2013 (the last year for which complete data is available) were alcohol related; and,

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and,

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and,

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2016 Statewide Crackdown*; and,

WHEREAS, the project will involve increased impaired driving enforcement from August 19 through September 5, 2016; and,

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares its support for the *Drive Sober or Get Pulled Over 2016 Statewide Crackdown* from August 19 through September 5, 2016 and pledges to increase awareness of the dangers of drinking and driving; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Capt. Michael McGhee and Lt. Michael Zarro.

RESOLUTION #16-360 - 8/8/16

AUTHORIZE THE CANCELLATION OF MORTGAGES IN CONNECTION WITH
FAÇADE IMPROVEMENT PROGRAM LOANS ISSUED TO CAPTAIN BILL'S
BAIT & TACKLE AND WATERFRONT SUNSETS, LLC (302 SOUTH CONCOURSE)

WHEREAS, the Township of Neptune holds two mortgages dated May 23, 2003 in connection with two Façade Improvement Program Loans issued to Captain Bill's Bait & Tackle and Waterfront Sunsets, both located at 302 South Concourse; and,

WHEREAS, the loans has been paid in full and the façades has been maintained for the required five year period; and;

WHEREAS, the Township desires to cancel said mortgages in accordance with the terms of the mortgage note,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute cancellation of mortgages in connection with the Façade Improvement Program Loans issued to Captain Bill's Bait & Tackle and Waterfront Sunsets both located at 302 South Concourse; and,

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

RESOLUTION #16-361 - 8/8/16

CANCEL CHECKS OUTSTANDING FOR OVER NINETY DAYS

WHEREAS, the Finance Department has advised that there are a number of outstanding checks that are over ninety (90) days old; and,

WHEREAS, the cancellation of said checks must be approved by resolution of the Township Committee,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following checks outstanding for greater than ninety (90) days be and are hereby approved for cancellation:

Payroll Account

CHECK NO.	PAYABLE TO:	AMOUNT
4520	FOP	\$1,020.00
4627	PBA	3,680.00

General Account

CHECK NO.	PAYABLE TO:	AMOUNT
30210	Jersey Shore Track	\$ 900.00
30866	NJ Natural Gas	50.00
31376	NJ Bounce	645.00

Dare Account

CHECK NO.	PAYABLE TO:	AMOUNT
30025	NJAW	50.00
30030	NJNG	500.00

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

RESOLUTION #16-362 - 8/8/16

AUTHORIZE ENGINEERING SERVICES AND THE ACQUISITION OF STREET POLE MOUNTS IN CONNECTION WITH THE WIRELESS WAN INFRASTRUCTURE THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Township of Neptune wishes to authorize engineering services and the acquisition of custom street pole mounts, in connection with the wireless WAN infrastructure, 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, New Jersey Business Systems, Inc. has been awarded New Jersey State Contract No. A83899 for this item; 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 acquisition and installation of this item shall not exceed \$34,707.00; 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, that the Township Committee of the Township of Neptune hereby authorizes engineering services and the acquisition of custom street pole mounts, in connection with the wireless WAN infrastructure, through New Jersey Cooperative Purchasing Program Contract No. A83899 at an amount not to exceed \$34,707.00; 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.

RESOLUTION #16-363 - 8/8/16

RECLASSIFY EMPLOYEE TO THE POSITION OF
ACCOUNTANT IN THE FINANCE DEPARTMENT

WHEREAS, there is a vacancy in the position of Accountant in the Finance Department; and,

WHEREAS, the position was duly posted; and,

WHEREAS, the Chief Financial Officer and Human Resources Director have made a recommendation to reclassify an existing employee to said position; and,

WHEREAS, funds will be provided in the 2016 Municipal Budget in the appropriation entitled Financial Administration S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael Schnurr be and is hereby reclassified to the position of Accountant in the Finance Department at an annual salary of \$35,000.00 effective August 24, 2016; and,

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

RESOLUTION #16-364 – 8/8/16

AUTHORIZE DEVELOPER'S AGREEMENT WITH JERSEY SHORE UNIVERSITY MEDICAL CENTER (HOPE TOWER BUILDING PROJECT) DAVIS AVENUE (BLOCK 1201, LOTS 4 & 5)

WHEREAS, Jersey Shore University Medical Center, applied for and was granted Preliminary and Major Final Site Plan Approval for expansion of its facilities and associated variances, subject to certain conditions, variances and waivers and Off Site Contribution Agreement with Neptune Township associated therewith before the Planning Board of the Township of Neptune; and

WHEREAS, Jersey Shore University Medical Center (Hope Tower Building Project) has agreed to enter into a Developer's Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the application before the Planning Board of Neptune Township; and

WHEREAS, it is in the best interest of the citizens of the Township of Neptune to enter this Developer's Agreement with Jersey Shore University Medical Center (Hope Tower Building Project) to ensure the proper compliance and guaranteed performance of items and improvements made on said parcel,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the aforesaid Developer's Agreement with Jersey Shore University Medical Center (Hope Tower Building Project), a true copy of which is on file in the Office of the Municipal Clerk, for compliance with the Planning Board of Neptune Township's Resolution No. 15-13, and representations upon submission and approval of all conditions arising from the aforesaid Resolution, and return the same to the Township Attorney for recording in the Clerk's office of Monmouth County; and,

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

RESOLUTION #16-365 - 8/8/16

AWARD BID FOR EMERGENCY MEDICAL BILLING SERVICES PROVIDED
BY THE TOWNSHIP'S PAID EMS PROVIDERS

WHEREAS, on June 23, 2016, the Business Administrator received bids for the award of a contract for Emergency Medical Billing Services in connection with EMS services provided by the Township's paid EMS providers; and,

WHEREAS, said bids were reviewed by the Business Administrator and EMS Manager who have recommended that the bid be awarded to the lowest bid submitted by DM Medical Billings; and,

WHEREAS, said bids were advertised, received and awarded in a "fair and open" competitive bidding process in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided as a percentage of revenues collected through EMS billing in accordance with Ordinance No. 16-07 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to DM Medical Billings for Emergency Medical Billing Services provided by the Township's paid EMS providers on their lowest responsible bid of a percentage of revenue as follows:

- 5.95% from the first \$100,000 of annual revenue
- 6.25% from \$100,001 to \$200,000 of annual revenue
- 7.00% from \$200,001 and up of annual revenue

BE IT FURTHER RESOLVED, that this bid award is contingent upon execution of a contract detailing the services to be provided and protections from potential HIPAA liability claims; and,

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

RESOLUTION #16-366 – 8/8/16

AUTHORIZE EMERGENCY MEDICAL BILLING SERVICES CONTRACT

WHEREAS, the intent and purpose of the attached contract is for quality Emergency Medical Billing Services, and is desired to be furnished to meet the needs and demands of Neptune Township to the extent that such billing services are necessary for paid EMS Services within Neptune Township for individuals in need that are not exempt from such paid services or do not receive voluntary services,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes a contract for Emergency Medical Billing Services to and with DM Medical Billings of Gibbsboro, New Jersey, a true copy of which is attached hereto and made a part hereof as Exhibit "A."; and,

BE IT FURTHER RESOLVED, that the governing body hereby authorizes execution of the aforesaid Agreement by the Mayor and Clerk of the Township, forwarding a copy to DM Medical Billings, who is being awarded this contract.

RESOLUTION #16-367 - 8/8/16

REJECT TRANSFER OF SCHOOLHOUSE SQUARE FROM
TRF DP RIDGE AVENUE, LLC TO KMJ ENTERPRISES, LLC

WHEREAS, TRD DP Ridge Avenue, LLC (hereinafter referred to as "TRF") with offices presently located at 1700 Market Street, Philadelphia, PA 19103, is the present redeveloper of a development known as Schoolhouse Square (hereinafter referred to as "the Project"), located at Block 197, Lot 1, Block 198, Lots 10, 11 and 13 and portion of Lot 767 on the Tax Map of the Township of Neptune as of 2008, and entered into a Redeveloper's Agreement through prior Redeveloper, Cityworks Ridge Avenue, LLC, with offices located at 718 Arch Street, Philadelphia, PA in 2008; and

WHEREAS, the Project was originally owned by Neptune Township, and under the Redeveloper's Agreement, agreed to convey to the Redeveloper the Project, and all land within the Project, subject to certain conditions; and

WHEREAS, under the Redeveloper's Agreement, Article 8, the Redeveloper may not transfer the whole or any part of its interest in the Project or the Project improvements without the consent of the Township; and

WHEREAS, TRF has requested authorization to transfer the remaining Project that is undeveloped, or only partially developed to KMJ Enterprises, LLC; a construction company in existence for, according to KMJ, 8 years, and KMJ Enterprises, LLC provided the Township with its corporate resume and prior tax returns as a basis of a request from the Township for financial documents; and

WHEREAS, the Township Committee has reviewed all documents supplied by KMJ Enterprises, LLC, and by TRF concerning the proposed new Redeveloper.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby rejects and shall not consent to the transfer of property from TRF to KMJ Enterprises, LLC based on the following:

After review of all financial and background information and interviews with principals of KMJ Enterprises, LLC, the Township Committee has concluded that KMJ Enterprises, LLC lacks the background experience and expertise to be able to carry on the Project pursuant to the Redevelopment Plan and prior Redeveloper's Agreement.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be submitted to TRF with the request that should TRF find a new Redeveloper, it can submit a new request for a transfer, along with a resume and appropriate financial information concerning the new proposed Redeveloper, if any.

RESOLUTION #16-368 - 8/8/16

AUTHORIZE THE TOWNSHIP ENGINEERING CONSULTANT TO PROVIDE
TRAFFIC ENGINEERING SERVICES IN REGARDS TO PARKING IN OCEAN GROVE

WHEREAS, the Township Committee desires to gather information and analysis on traffic and on-street parking in the Ocean Grove Historic District; and,

WHEREAS, this information and analysis will be provided to the recently appointed Ocean Grove Parking Task Force; and,

WHEREAS, it is necessary to authorize a Township Engineer Consultant, with a specialty in traffic engineering, from the approved list of 2016 Engineering Consultants to perform these services at the discretion of the Township Committee; and,

WHEREAS, funds for this purpose will be provided in the 2016 municipal budget in the appropriations entitled Engineering O.E. 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 (Traffic Department) to perform the services as stated herein as Township Engineering Consultant, at the direction of the Township Committee, at an amount not to exceed \$5,000.00; and,

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

RESOLUTION #16-369 – 8/8/16

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	\$801,350.43
FEDERAL & STATE GRANT FUND	14,486.97
TRUST FUND	46,590.85
GENERAL CAPITAL FUND	12,376.29
SEWER OPERATING FUND	159,320.29
MARINA OPERATING FUND	4,406.91
DOG TRUST	7,477.00
UDAG TRUST	15,700.41
LIBRARY TRUST	2,392.84
BILL LIST TOTAL	\$1,064,101.99

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